

# The Ladder of Rivers

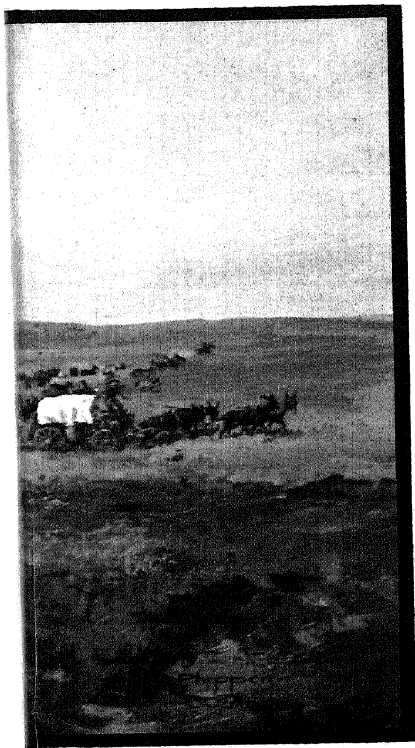


## *The Story of* **I.P.(Print) OLIVE**

**BY HARRY E. CHRISMAN**  
*Author of LOST TRAILS OF THE CIMARRON*

## About The Cover:

The painting for the cover panel was made by the celebrated western action artist, George Phippen of Skull Valley, Arizona. Phippen as a youth lived in Kansas and is familiar with the topography of the Great Plains country that became famous for its cattle trails of the 1870's and 1880's.



The central figures are those of I. P. (Print) Olive and his "trouble shooter" on the trail, "Nigger Jim" Kelly, often spoken of by contemporaries as "Olive's bad nigger." The scene depicted is somewhere along the Western Trail; the time, early spring of 1876. The great Olive herd, bearing the H4 road brand, is stopped somewhere along the trail. The work, called "Trouble on the Trail," was painted for the jacket of *The Ladder of Rivers*."





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The Story of  
I. P. (Print) Olive

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Other Books by Harry E. Chrisman

LOST TRAILS OF THE CIMARRON

# THE LADDER OF RIVERS

The Story of  
I. P. (Print) Olive

Harry E. Chrisman



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This Book is  
affectionately dedicated  
To My Wife  
CATHERINE  
And to the memory  
of my  
pioneer father  
HENRY EUGENE CHRISMAN  
(Edom Ranch)  
Custer County, Nebraska

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“ . . . ever the herds of cattle and the cowboys to me a strangely interesting class, bright-eyed as hawks, with their swarthy complexions and their broad-brimm'd hats —apparently always on horseback, with loose arms slightly raised and swinging as they ride.”

—Walt Whitman



## Acknowledgments

Without the kindly and able assistance of many others, to whom the writer talked and corresponded during the period of backtracking the Olive trails, this interpretive biography of I. P. (Print) Olive could never have been written. Help came from many quarters, and the individual list to whom the writer is indebted is so long that all cannot be included in this brief acknowledgment. However, my deep gratitude is extended to those many residents of Nebraska, Colorado, Kansas, Oklahoma, and Texas who contributed information in interviews and to residents from many other states with whom the author corresponded. All helped greatly with time and knowledge.

Special recognition and thanks are due the members of the Olive families who helped, beginning with the late Al Olive and his hospitable widow, Ida Olive, with whom the author and his wife have spent many interesting and informative hours. Al Olive was the last surviving member of the I. P. Olive family, and perhaps the single best source of information in matters pertaining to the older generation of Olives in Texas anyone will ever have. Though he saw portions of the manuscript on his father's life, the whole was completed, unhappily, after his death, at age 86, on May 19, 1960. He is remembered with deep affection by the author, who is in no way related to the Olive families.

Myrtle Claire Smith, El Paso, Texas, daughter of Alice (Olive) Smith, and her sister, the late Mrs. Lulu Burris, Jacksonville, Texas, both deserve special thanks for contributions of fact and Olive folklore. Thanks go to Nora (Olive) Handley, Lexington (Old Plum Creek), Nebraska, for basic information that set the author straight during his early research. Mrs. Handley was the only remaining member of the Ira Webster Olive family, being the famous cattleman's daughter.

Three sisters, Mrs. Gregg Laurence, Van Vleck, Texas; Mrs. H. L. Jinks, Wichita Falls, Texas; and Mrs. Emma L. Howard, Sacramento, California, all daughters of Texana Tuttle, and granddaughters of Elizabeth (Olive) Wynn, provided the author with accurate information and family photographs. Thanks are also extended to Ira Prentice Wynn, Bastrop, Texas, a son of Allen Wynn, for his help. His father played with the Olive boys and went on the early cow hunts with them.

Thanks are extended to the late Marv Olive, 96 years old when we interviewed him. He knew Print Olive as a boy. Our thanks also go to his daughter Lois, and to his son-in-law, Arthur Smith, who live in the old Olive Community, near Thrall, Texas.

Recognition of our appreciation go to Mr. and Mrs. Grover Thomas, she (Gervaise) being a niece of Marv Olive and he (Grover) having a long and good memory for the many Olive brothers stories that still circulate. We are grateful, too, to Sallie Stewart Harrison of Houston, a descendent of the Marmaduke Gardner-Elmira Gardner-Thomas J. Olive line in the story, who gave great genealogical help. We wish also to thank Mr. and Mrs. Carl Lawrence, who live on the old I. P. Olive ranch near Thrall, Texas, and with whom we enjoyed several brief but productive and interesting visits. To others who helped us, individuals, family members, friends, pioneers, and correspondents, our grateful thanks.

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Finally, a word about the many pioneer people who offered contributions of fact, folklore, and fancy. To have met and become acquainted with so many fine old people and their families in the course of this work has been its greatest single pleasure. Later to learn of deaths among their ranks and to realize how short is Man's span on earth, and how much historical knowledge is lost when

death takes a pioneer from us, saddens one. But the many fine qualities possessed by these pioneer people will be needed and be useful to The Boss on the Other Range, just as they were once needed and appreciated here.

So it was a great privilege and a rare pleasure to know them, even for such a short time, and my thoughts will ever follow them with esteem and great affection.

Harry E. Chrisman  
September, 1962  
Liberal, Kansas

“Father always said:

“Never give up your hopes. Much of your life will be lived on hope alone. So cling to it. Never give it up.”

—Al Olive, 1874-1960  
(son of Print Olive)

## Foreword

This book was suggested by a lifetime interest in its principal character, Isom Prentice Olive, called "Prent" by his family, which was eventually corrupted by unfamiliar usage by others to "Print." Print Olive was a pioneer Texas cowman, his name a household word in the late 1870's and 1880's. Though the old newspapers and history books and old court records carry thousands of words about him and his affairs, and though modern magazines have printed millions of words more, little is really known about him by American readers. Nor has there ever been a truly objective biographical story or study made of his life. His nature precluded anyone from writing objectively about him, and the usually presented stories have encouraged everyone to take a position against him. As a consequence, the author of this work has not felt himself constrained by previous works on I. P. Olive's life to follow a sterile rut of objectivity when writing about him, a trail so sedulously avoided by all before him. In setting down the facts and folklore connected with Print Olive's busy life, one directive, given the author by Print Olive's last surviving son, Al Olive, has been followed.

"Tell the truth about father," Al Olive urged. "He has been lied about enough."

The Print Olive of this book was a bad man to quarrel with or steal from. He was a fearless fighter, both in time of war and in his private battles. He was a hard drinker on occasions and a natural born gambler, as were the contemporary cowmen of his time. But he was a man who took great delight in entertaining friends and neighbors, his ranch home being a center for the social activities of his community. He was a most loyal family member, a good father, a faithful husband, and a man with considerable native talent and determination and the overwhelming

desire to be a successful cattleman. Living on the frontier, he was guided by that unwritten law of the range, "You treat me right, or we'll have trouble." He practiced what was the feudal code of Brotherhood in the Texas of that day—"You kill my brother and I'll kill you."

If there was ever a product of his own epoch, it was Print Olive. His metal was tested in the fires of the American Civil War and later cast into the matrix of the Texas cattle wars of Reconstruction Days. From this annealing process emerged a man stamped in iron, small in stature as men are found, but described by such worthy contemporaries as Dud Snyder as "one tough *hombre*."

Print Olive was a cowboy, first, last, and always, and his life not only paralleled what is generally set forth in song and story as The Age of the Cowboy, but he was the personification of that era of the range cattle industry. While still a child, Print Olive took part in the cow hunts of Texas, those precursors of the latter-day roundups of the entire Great Plains. There, he acquired the habits, good and bad, of the Texas men of that age; and there, for better or for worse, he was imbued with their weaknesses and their elemental strengths.

When war came, he was one of the first in his community to enlist, offering his services to the Confederate Army. His war record and testimonial from a Southern officer show him to have been a good and brave soldier who remained so until the war's end.

Back home, he found his community overrun with the scalawags and outlaws and the bummers from both armies. He joined with friends and neighbors, riding for wild cattle in the bosques and clearings along Brushy and Yegua creeks, delivering the *cimarrones* up the Chisholm Trail to Abilene, Newton, and Ellsworth, returning with Yankee gold to lift his war-broken homeland up by its bootstraps. In this work he found great success, wealth—and great tragedy. It is the hope of the author that this story of a cowman's life, lived out contemporaneously with the range cattle era, may provide fellow Americans with a better understanding of an intriguing epoch of our history which is gone and can be no

more, but which produced one of the greatest generations of people the world may ever see.

With regard to the manner in which the story is written, I might say this: Whether the inclusion of dialogue that may well have been spoken by the people who lived this story renders the work any more unhistorical or unpalatable to the pedants, I leave to the experts. The dialogue has been included to improve story content, to move more freely the story's action, and to help telescope the events in time without excessive interpolation or increase of an already heavy documentation. It may be noted in several instances, for example in Francis Hamer's plea to the jury, the words are exactly those of the person who spoke them for history. In every case where possible, when the words of one of the participants were available, they have been used in the dialogue.

With exceptions, which the reader will readily note and follow, the events unfold in chronological order. The Notes and Sources at the end document every major thesis of the Olive story and may provide others desirous of greater depth of detail the sources of original material to which they may go for added study. Many stories have yet to be studied in detail, so the husk of much Olive folklore is yet to be threshed for the many kernels of truth still embedded therein.

Prentice Olive was a controversial character in life and after his death. Readers will find, it is to be hoped, much controversial material in this book, for such books, I am told, are the most interesting reading and are usually good sellers! But whatever may be said of the book, the author accepts complete and full responsibility for the conclusions drawn from a mountain of facts, some of the documentation which is shown but much of which must necessarily remain in the tape recordings, notes of interviews, and folktales told me by many persons. Nothing has been written in these pages to injure the descendants of the people who have been studied in this book or to cast aspersions upon the pioneer people who have passed on to their reward. They have spoken their words, and they have performed their acts, and it is upon the basis of these words and acts that the author has presented them. Some errors of fact may have crept into the book undetected,

and I shall accept with gratitude and good grace having them pointed out to me for correction.

Now read about Print Olive, his hopes and his aspirations, his friends and enemies, along the old cattle trails of yesterday as he climbed to dizzy heights up the slippery rungs of the ladder of rivers in his efforts to achieve success.

H. E. C.





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## PART I

And he dreamed and, behold, a ladder set up on the earth, and the top of it reached to heaven; and behold, the angels of God ascending and descending on it.

—Genesis 28:11-12



## Chapter I

From the top rail of the corral fence, the three boys watched intently while the rider in the distance zigzagged his big sorrel gelding down the steep slope, bringing a shower of small chalk rocks chasing along behind him. The tall corral posts afforded a clear view of the scene below them as the rider dropped down from the heights above into the Smoky Hill Valley. Awe-struck, the boys stood, each grasping a corral post for balance, as they watched the rider in the distance reach the bottom of the talus slope, then spur his jaded horse into a dead run toward the ranchhouse at the foot of the hill. Crossing the green meadow, the rider turned up the wagon road by the big spring where the cottonwoods grew, then came flying along the rock-strewn trail, leaving a thin wisp of talcum-fine dust and bits of jumping rocks behind. Atop the fence, the smallest of the watchers spoke first, somewhat hesitantly.

"Is it father?" he asked. There was a pause as the oldest of the boys, Tom Olive, now sixteen, leaped to the shed roof for a better view. He studied the oncoming rider.

"No, Al," Tom said solemnly, "it's not father. Father rides more in one stirrup."

"Why's father ride that way?" asked the third boy, Harvey Olive, about fourteen. "Why's he ride 'more in one stirrup,' Tom?"

Al, now twelve years old, brightened up importantly. "When I ast' Bill he tol' me it was 'cause father was straddlin' a gold watch chain—thas' why."

"Oh, bother!" answered Tom, "how could anyone straddle a gold watch chain!" The two older boys looked contemptuously at the young brother, then all three suddenly laughed.

"That's what Bill said," Al repeated stubbornly.

Tom, their leader since the older brother, Billy, had suddenly left home, again turned to the approaching horseman. He saw the

young man ride into the ranch yard, then call out in a loud voice, "Haloo-oo-oo, house! Haloo-oo-oo, house!" For it was the custom never to draw near or dismount at a ranch home without signaling the host. Now the three boys recognized the man on the sweating horse as Frank Flynn, a friend of their absent brother Billy.

"Bet he's got news from Billy!" Tom cried, leaping from the shed roof and plunging down the slope in big steps, the others in mad pursuit.

It had been four months—long ones for the boys—since they had seen their brother, idol of their lives. Twice, men had come from Beaver City, down in No Man's Land to where Billy had fled from the sheriff, and relayed messages from Billy. Once Louisa Olive had arranged a meeting with her son, met with him surreptitiously down at Meade Center, a half-way point on the Jones & Plummer Trail, without telling her husband. She had tried without avail to persuade Billy to return, face trial. The visit was so strained she never tried it again. Now as she heard the man's voice in the ranch yard, she stepped to the door. She recognized the Flynn boy, a youth in his early twenties.

"Hello, Frankie," she greeted him pleasantly. "What brings you here in such a hurry?" Louisa Olive's demeanor was calm, outwardly, but she felt a shiver of apprehension sweep over her as at other times when tragedy had stalked her family. For no person came in such a hurry, his horse drenched in sweat and lather, without a deep sense of the urgency his message demanded on the frontier.

"Howdy, Missus Olive," the young man greeted her as he stepped stiffly from his horse, dropping the reins on the ground. "I'm mighty unhappy to make this trip—" Fishing within his gauntlet glove he drew forth a slip of yellow paper. "It's about Mista Print," he finished lamely, handing the paper to Lousia. She took it without unfolding it, first turning to the needs of the messenger who appeared done in from the trip.

"You must be worn out, Frankie," she said. As the three boys now plunged into the yard from the hill above, she called to them.

"Take Mr. Flynn's horse and care for it—be careful it doesn't



drink too much!" Then turning to Flynn she motioned toward the house.

"You come in and I'll fix you some breakfast," she said. "You must be famished after such a ride. Where did you come from—Dodge?"

Flynn removed his hat and gloves, then unbuckled his spurs at the doorway. "Yes, Missus Olive, I come clean from Dodge and I'm pow'ful hungry—haven't eaten since I left Trail, yesterday evenin'." Flynn saw the glint of fear steal over Louisa's face at the mention of Trail City, the border town in Colorado where her husband had been operating the wagon yard and a saloon for the Texas cattle trade that summer.

Louisa busied herself in the kitchen, preparing bacon, eggs, and hot coffee for the visitor and keeping her thoughts about the message to herself. Flynn washed at the stand just outside the kitchen door, then sat down at the table as Louisa served the food. He watched her actions carefully, this day, though he had known her several years. She was a large woman, yet with a beautifully moulded face, he thought, and a graceful person despite her slight limp. What won everyone to Louisa Olive, he had heard other women say, was her instant sympathy for those who needed help in time of trouble, backed by immediate action on her part. Flynn wished as he sat studying her that there was some way he could help her today as she would have helped another in a similar situation, for when she put that yellow telegram on the table and read it, he knew, she would need all the strength she possessed to bear up under it. Perhaps another might judge her incurious, he thought, for not immediately reading it. But he knew better. He had chummed with her son Billy, and he had watched her when Billy was lost to the family. He knew something of their Nebraska and Texas troubles, too. No, she would care for his simple needs, then acquaint herself with this final tragedy in her family. And that took strength of character.

When the food had been placed on the table and Frank Flynn had commenced his meal, Louisa picked up the yellow paper and read:

TO THE AGENT, AT&SF RR, DODGE CITY,  
KANSAS

Will someone notify Mrs. I. P. Olive that her husband, I. P. Olive, was shot to death in Trail City, Colorado, by Joe Sparrow this afternoon, Monday, August 16, 1886.

I will make plans to have the body prepared and delivered to Dodge City at the earliest time possible. Corona Lodge, I.O.O.F., at Dodge City will conduct the services. Please extend my deepest sympathy to Mrs. Olive and the family.

H. M. Beverley

Tight-lipped, but dry-eyed, Lousia looked across the table at Flynn, who, embarrassed, kept chewing on a mouthful of very dry food.

"Frankie, do you know any more about it?" she asked. "You said you came here from Trail City?"

Flynn swallowed, took a sip of hot coffee. "Yes'm, I was at Trail Monday when it happened—but I didn't see it happen," he added hastily. "I came on to Dodge, and the agent asked me if I would deliver the paper." Louisa nodded and waited.

"I don't want you to feel bad, Missus Olive, but here's what old Mook, an' Mr. Beverley, an' the town marshal told me. Mista Print was comin' on to Dodge with me on the same train. I talked with him an' joked that we would play pitch all the way home and how he wouldn't win a hand. You know how he talked—why, he was the best pitch player in Dodge! But Mr. Beverley said before train time, a couple hours, maybe more—I was in Coolidge then—that Mista Print came down from his house to say goodbye to friends. He stopped at his old saloon. When he stepped through the door, this fellow Sparrow, and another no-good named Stansfield, was standin' there with guns. Sparrow shot Mista Print when he come smilin' through the door. That's what Walt Hart said. Then he shot him again and again, before they stopped him. Mista Print went down, his head on the limestone door sill and Sparrow leaned over and shot him again! It was awful—" <sup>1</sup>

"Wasn't there anyone there to stop Mr. Sparrow?" Louisa asked.

"No ma'am, just the bartender and this Stansfield."

"Where was Sam?" she asked.

"Nigger Sam was takin' their things down to the station at Coolidge—had 'em already packed. Old Mook was at the barn, but he heard some talk and when he saw Mista Print walkin' into danger he tried his best to signal him, cause he saw Sparrow and Stansfield wearin' guns." Flynn now saw the tell-tale quivering around the corners of Louisa's mouth and the inner panic showing in her eyes. Yet she caught herself up for one more question.

"Frankie, tell me this—was Prentice armed, did he have his gun?" She was leaning over the table now, looking Flynn directly in the eyes.

"No ma'am. He sure wasn't armed, or he'd given a better account of himself," the messenger answered. "The town marshal said he was in his shirt sleeves so anyone could see he had no gun. Matter of fact the men said he hadn't worn a gun since being at Trail."

Beneath the table, Louisa Olive wrung her hands together as Flynn took up the tale again.

"The marshal took Sparrow back to the saloon and give him a good tongue-lashin' for killing an unarmed man. The bartender, too, said Mista Print was smilin' and friendly when he came through the door. I know'd he wasn't wearin his gun 'cause Nigger Sam told me he packed it in the trunk and it hadn't been taken out at Trail all summer. Fact is, it's in the trunk at Dodge right now!" But Louisa was listening no more. She hastily arose, thanked Flynn for bringing the message, and invited him to stay overnight before riding back. Then she slipped into the bedroom, and Flynn heard her moans and sobs coming from behind the locked door. He pushed back his chair, tiptoed from the room. Outside, the Olive boys were discussing his saddlehorse and how far it had run. Picking up his hat, gloves, and spurs, Flynn walked toward the big spring.

"Come with me, boys, I've something to tell you," he said. The boys followed curiously behind him.

In her bedroom, Louisa lay across her bed and wept until the tears no longer came from her eyes. In her agony over the loss of her husband, she reviewed the life that had been theirs together.

for twenty years, all the good times and the bad, in the five lovely homes he had created for her and their family. Some way she knew that she must now implant in the minds of her remaining three sons a truer image of their father than their brother Billy had known from reading and hearing the falsehoods printed in the newspapers and told him by the gossips. Their clean, fresh minds must learn of their real father, not the ugly stereotype fashioned by falsehood. They must know of his real concern for his family and his herds, and the better life he tried to build for all his family.

Louisa's mind turned back to the Shiloh church festival, in 1866, when she first met her husband. He was twenty-six then, in his robust young manhood. She recalled his shy good nature, his tense nervousness, the result of his four years at war. She remembered his quick firm step, his sureness around his animals, his great skill with the rope, and his envied position as a bronc rider of great courage. This side her boys must know.

She could also recall Prentice Olive's quick temper, the smoky black eyes that flashed danger when aroused. But mostly she recalled a beautiful starlit evening when they had ridden along the banks of Brushy Creek, coming suddenly out into a prairie opening near a mott of great oak trees. There, in the deep sedge grass, Print had unsaddled their horses and ground-tied them while he unfolded the sweaty saddleblankets and made them into a nest for themselves on the ground. That evening as they made love again—they had been married now a whole month!—he told her of his first childhood memories. One story was a humorous little tale about two giant oxen that pulled their covered wagon into Texas.

\* \* \* \*

At the age of three, Print Olive made his decision to become a cattleman.<sup>2</sup> He was of course unaware of his choice of occupation, as were his parents. For none would suspect such an important and forward-looking decision from the dark skinned, round-faced, black-eyed boy, however serious his mien. But his decision was made, nevertheless. And sister Elizabeth, or Betty, with the intuition of an older sister for a younger brother's fancies, divined that the strange and inexplicable change had passed over her tiny brother. And she knew the minute and the hour when it had happened.

That day, now a week or more past, father James Olive had permitted Print to sit on the back of Tawny, the buckskin mare that was led behind the wagon, "to teach him to ride a bit." That was when Print changed. Betty saw the light that burned brightly in his smoky eyes now, whenever her father yoked up the two big steers each morning. That same light had appeared when Print's first twine loop had settled correctly over the head of an unsuspecting rooster. Now it appeared each time he sat atop Tawny's back.

Before long he was riding the mare alongside the ox team, guiding her expertly with neckreins, just as he had watched the *vaqueros* do in turning their cow horses when they drove the big herds by their wagon along the trail. Soon, Prentice was crying shrilly at the ox team, as his father did, urging them on against the twisting weight of the heavy yoke and the sidewise beating and hammering action of the wagon tongue. At these intervals, atop his buckskin mare, little Print would look down upon their broad, muscular backs as they labored under the yoke, their tough, thick hides lumped and studded with the larvae of the botflies beneath them, the rippling muscles underneath the hide heaving and churning, their giant heads swinging in perfect unison as they worked together with their burden.

In the great beasts below him, the boy grasped a picture of strength and power, a contrast to the spiritless and reluctant gait of the red and roan cows that followed along behind the wagon on the end of their lead ropes. Within his sharp mind, the boy was framing an appealing image that he would keep with him throughout life. First, was the image of power which he found in the ox team. Second, a vision of security which he saw came from the docile cows whose warm milk fed his family, and which he felt he must therefore always protect. Third, he felt in the spirited mare beneath him the intelligence and the action that would always provide him a mobility and power over the other animals, far beyond that afforded by his own short legs. From this trinity of values, or the boy's appraisal of them, came to him a sense of well-being, a feeling of security he could not sense fully while riding with his sister and mother high up on the wagon seat, taking no

active part in the movement of wagon and livestock along the wagon trail.

The boy's feeling of security was one not fully shared by sister or parents. The year was 1843. They were traveling westward on *el Camino Real*, the San Antonio Road, toward the River Colorado. The worn map carried in mother Julia's handbag showed that if they held their course they would be in Bastrop, or *Mina* as it was generally called, by the end of the week. It was a new, raw frontier peopled mostly with a handful of the Anglo-American colonists brought west by the empresarios Austin and others, but still subject to raids by parties of Karankawa and Tonkawa Indians. To sturdy Jim Olive, walking beside the ox team, urging them forward as much with words of encouragement as with his whip, the big steers were a means to an end, taking him ever farther from his North Carolina birthplace to a new home. Born May 21, 1804, he had followed the watercourses southwest as a boy to the state of Mississippi.<sup>8</sup> There, in 1836, he met and married sixteen-year-old Julia Ann Brashear from the Mississippi Brashears, and who had part-Cherokee breeding. The two had spent their early wedded years farming and stock raising. Then Jim Olive contracted a fatal case of what they called "Texas fever." It was a roaming fever that took men and women alike to the Lone Star state. Now, trudging along beside the covered wagon, for the first time in his life Jim Olive felt important, saw freedom in the beam of that bright star, Texas, now shining in his grey-blue eyes.

Free land, adventure, a place to raise their families on their own soil enchanted such men, for the landless people of the Old South were commencing to free themselves and their children from the great owners and the old plantation system that had dominated Southern economy for a hundred years or more.

That Saturday night the Olive wagon camped on the banks of the Colorado. Resuming their trip the following Monday, they were accompanied by another family named Smith who traveled in two covered wagons with seven children. The three wagons turned north to a settlement called Hogeye. At this place heavy rains fell, the wagons lay bogged for a week. When able to work their way northward across West Yegua Creek and to Brushy Creek

crossing, James Olive commenced studying the soil, taking up a spadeful here and there. He was looking for a place to settle on the land, to plow and to plant. There were ample water and good timber here, the two essentials to frontier life in Texas at the time. The Olive wagon drew to a more permanent camp south of Brushy Creek in a wooded area. Smith and his family resumed their trek northward, looking for better land.

James Olive found good timber in the form of oaks, cottonwoods, postoaks, liveoaks, and some walnut and pecan trees. The stream was clear and pure, its waters soft and sweet. Fine grazing land, covered with thick, shaggy sedge grass lay spotted in among the prairie areas that fell among the motts of timber and brush back from the streams. To the north, the country was a gently-rolling prairie with black land many feet in depth. Southward, on and beyond the Yegua stream, were brushy country and trees, with only an occasional open area. This was good land upon which to rear a family, thought Jim Olive, a wilderness offering everything that makes up the creature comforts of pioneer life.

That afternoon the father made a secure camp for his wife and babies, then saddled the buckskin mare and set off on a tour of exploration. For it was important to know who claimed the land in the region and come to some agreement with them about a place to live. Within an hour he struck a good trail, and after only a few minutes ride stopped before the log home of Adam and Sarah Lawrence, two of Brushy Creek's pioneers.<sup>4</sup>

Jim Olive soon made himself acquainted, and over a cool drink on the gallery of Lawrence's neat little home learned something of this new neighbor. Lawrence told him of coming to Texas as an Austin colonist, first with a headright league of land on the Brazos River, near Chapel Hill. Following his marriage to Sarah Miller, the couple had settled on a large tract of land belonging to his father-in-law, Simon Miller. It comprised, Ad told him, nearly all the surrounding land. Olive and Lawrence made an agreement over the land needed by the newcomer and eventually became fast friends and neighbors. It was Lawrence who initiated the get-together known as a "log-raising" at Jim Olive's home when the erection of the building had advanced as far as it could go with one

man's labor. At the log-raising, Jim and Julia Olive met their neighbors from up and down the Brushy and learned something of the history of their new region.

Captain Cal Putnam built a blockhouse near Liberty Hill settlement, far upstream to the west, Ad said. He was about the first to arrive and stay a while. Dave Chandler and Wash Anderson, both living upstream, operated a grist and sawmill. "Breshy Creek," as most of the neighbors called it, had once been called *Arroya de las Benedictas Animas*, or The Creek of the Blessed Souls, by the early Spanish who had settled a mission on the San Gabriel many years before. Yegua Creek was named by them, the word meaning wild mare, so many of the mustangs had come there to foal among its protective screening of brush and trees. The Spanish name was pronounced "Ya-wah," Ad Lawrence told them.

When the log raising was completed, Jim Olive began putting up a shed for his milk cows, the work oxen, and the riding mare. Back of their cabin in a clear area, he broke up the prairie land with his sod plow and that spring planted corn, potatoes, and vegetables for their summer table. Julia dropped in a few rows of cotton seed, carefully pressing in the seeds with her hands and booted toe. It was a warm, wet spring and the crops came along fast to a bountiful harvest.

Julia made the homespun yarn for the children's clothes, spinning on her little wheel on the gallery of the home when time permitted from other duties. Her husband, like most of the Texans of the time, favored a soft deerskin for jacket in cool weather, but always wore the home-spun butternut trousers made by the women-folk. In the first early years, Indians burned the prairie grass to the north, leaving a blackened land of fine, gray ash. They drove the wild game that had run ahead of the fire to a central killing place where children and squaws met the huntsmen and slaughtered and dressed the meat and hides in a prairie *Matanza*. But they never bothered the Brushy Creek community in the 1840's. By spring the blackened ground was green again with the thick sedge grass, providing a rich, new garb to cover the scars of fire and with vivid flashes of wild flowers interspersed between the lumps of cow-dung ash. In the streams, an occasional



alligator added to the pristine appeal of this rich, wild, new Texas land.

The domesticated cattle, which supplied the family with milk, had to be herded when turned out to graze to protect them from the great *lobos*, or loafer wolves, which infested the area. Maned like a lion, frequently measuring up to seven feet from nose to tail tip, these huge animals were a formidable enemy for man or beast. Only the wild cattle of the region, with great, sharp antlers that measured five to six feet from tip to tip, were a match for the wolves. By forming a hollow circle, with the calves within, the longhorns would fight off with flying front hooves and slashing horns the attacks of the *lobos*.

These longhorn cattle amazed everyone new to the region.<sup>5</sup> The animals were as wild as the wolves, as difficult to catch, and frequently so hard to approach that it was almost impossible to get in a killing shot with a musket. But the meat was delicious and nutritious. Like the other men, Jim Olive soon learned to hunt them not only for table meat but also for the tough hides from which the frontiersmen made almost everything—from brush *chaparejos*, those funny short-legged pants that looked like a blacksmith's apron, to the lacing that made up a chair's seat. Some cash money was to be made by hunting the animals for their hides and tallow, the one rendering establishment having already been erected up Brushy Creek about ten miles. Rawhide *riatas* were plaited from the hides, to be used by the men out on "cow hunts" to rope and tie the wild cows. The *peales*, with which they tied the animals out in the brush until they could come back after them, were made from stout hide from the bull's shoulders. It was a rawhide age, and hackamores, halters, bridles and reins, saddles, table tops, and scores of other items were formed from the hides of the longhorns of the brush. "Hell," Ad Lawrence expostulated upon the subject one day to Jim Olive, "Texas is held together with rawhide!"

The cow and mustang hunters soon began meeting at Jim Olive's place, since it was centrally located in the hunting area between Yegua and Brushy creeks. Jim Olive constructed large, strong corrals, the hardwood posts set three feet in the ground and laced together with rawhide at the top, capable of holding the fiercest

and biggest longhorns. As the cow hunting business increased, bringing many newcomers to the area, he put in a small country general merchandise store. By 1848 the store was providing goods for his many neighbors as well as for the cow hunters, Mary Elizabeth, or "Betty," as all called her, now attending to the store.

That year, for the first time, Print was permitted to go along on the cow hunts. He was now eight, could rope and handle any *torillo* in the corral, and was an expert rider. Though small-boned, Print was most active and handled his larger boy friends with ease. He was quick, and though mature for his years, inclined to silence. His interest in cattle had never waned, and even now he was provoked to have the job of "riding the bell mare," that is, carrying the other men's pallets and gear to the cow hunts on a led mare, never taking part in the actual catching of the wild cattle. He would make extra money, sometimes twenty-five cents a night, holding the cornhusk light over the squatting figures of the other cow hunters as they would squint over their cards on the blanket while playing pitch, poker or old sledge.

Two more baby boys had come along to grace Jim Olive's table. The first was Thomas Jefferson Olive, or "Jay," now five, and crying to go on the cow hunts with brother Print. The chubby baby was now Ira Webster Olive, born November 4, 1847. With the expansion of his family, Jim Olive made the decision to erect a larger and more pretentious ranch home, constructed of huge oak logs and with a wide frame front and gallery all around the house. The front room was made ample enough to accommodate three tight circles of dancing couples on the sturdy puncheon floor that replaced the cold, stone floor of the old home. Hard-fisted though he was regarded, and tough as Texas rawhide in a cattle deal, James Olive loved nothing greater than to play host to a house full of dancing, laughing, happy people where he could saw on his fiddle to his heart's content, drink from the brown jug of applejack, and relive the days of his youth in the Carolina hills.

As the community settled, it was called The Olive Community. For added to the James Olive family, now growing yearly, other Olives had appeared, one family of distant cousins, the Marvel Madison Olives, from Arkansas, a second Olive family of whom

the matriarch was Zera Olive, from Louisiana. Added to these were other families, some of recent origin in the area, others who had lived there for many years, like Lem Colvin, Charles Saul, Dr. Knight, Dan Kimbrough, the James Rice family, the Kuykendalls, Laynes, Pumphreys, Abbotts, Turners, Smiths, Barkers, Boyces, Crows, and several others more distant. It was the hope of James Olive, as it was the hope of most of these folk, to gain good land to pass on to the boys in his family. For his family, the second and third generation in America had been landless ones, grappling with a rough and oftentimes unkind frontier for a bare existence. Without land, Jim Olive knew, people were as nothing. To take and hold land on the last frontier was now the great hope for men like himself. Most of the settlers were conscious of this economic struggle, and were willing to work, starve, and sacrifice to obtain their foothold in God's black land here along Brushy Creek.

By the 1850's there was an uneasiness about land, a fear caused by the first gentle pressure of a growing population. Though each man respected his neighbor, he began to see in him a competitor and bidder against him for the neighboring land. By 1859 this fear had grown very genuine among the settlers. Then a flare-up of Indian depredations farther out on the frontier brought unity back to the people. By the time the "Indian scare" was ended, a new subject of contention had arisen that banished for all time the suspicions among neighbors or fear of Indian raids. It was a subject that came to sit with and trouble all homes. It was the talk of Secession.

James Olive was a man with a keenly perceptive mind. Though he could read a little, he could not write enough to sign his name. Yet, like many illiterate men of that age who had been denied the blessing of education, his experiences had been a better teacher for him than that afforded by the backwoods schools of the time. For his experiences since childhood, making his own way in the world, had taught him values in life that were worthwhile and enduring. In this institution of Negro slavery all about him, he detected an inherent immorality. He had never discussed the matter, not even with Julia, his wife. Perhaps it was through her part-Cherokee breeding, with her dark skin, black hair and eyes,

that the fair-skinned and grey-blue-eyed James Olive subconsciously perceived the unimportance of pigmentation in skin and hair so far as the basic character of a human being was concerned. His Scot-Irish ancestry, behind which also lay a hundred years of French feeling for freedom, viewed human slavery with a great distaste. He noticed that wherever the black slaves were obliged to perform the exacting duties required of a developing and changing economy, the morals of the master decayed. Such policy would ultimately result in the complete decay of the white race and ultimate superiority of the darker peoples, he reasoned. In his own dealings with the Negroes, where he had held power and authority, he made the same policy of firmness and justice which he practiced in his own family. He would have preferred that all men be free, but like the other men of his time and region he looked with distaste upon the social integration of the races, and with a particular bitterness upon that phase which he saw so often that obliged the Negro girls to undergo forced sexual degradation at the hands of dissolute white men and to bear their yellow children.

Jim Olive's economic relationship with the Negroes of the area was singularly different from that of a few neighbors who held slaves. He had only one male slave and, as he often expressed it, "came by him through default." The slave, Lars, a boy, was an indifferent youth of twenty years, left to Jim Olive by a former owner, Sven Larson, a ship's mate who had found inland life not to his liking, and had returned to sea, "to sail again to Rotterdam, Amsterdam, Skiidam and Goddam," as Larson expressed it.

The slave boy was addicted to epilepsy, but this failed to dampen Larson's spirits in making the gift of the boy to Olive.

"Me, I'm an iron man, fit only for the sailing of wooden ships," Larson proclaimed in leaving the boy. "He's a good boy, Jim, a fine boy—when he's not having fits. I want you to have him for I know you'll be kind to him."

Later, Jim Olive admitted, "Lars is my punishment for ever having known a First Mate—Sven Larson." But he liked the boy.

Uncle Arnos and Aunt Phoebe Kelly were free Negroes who worked for the Olives. They were former slaves manumitted upon the death of their master. Their one son they named James, after

James Olive. The boy was called "Nigger Jim Kelly," and was the childhood friend of the Olive brothers. He left as a youth but returned from the west Texas ranch to work for the Olive brothers in the cattle business, and was a friend of Print throughout life.

There were other Negroes that came to the Olive ranch, worked for awhile and went on. A very few, like Willie Titus and Henry Strain, stayed on many years and as free men.<sup>6</sup> When Henry Titus was buried, Print heard his father remark to a friend at the graveside, "This is like putting away my own brother, to lower this good man into this black ground."

Only a comparative few of the neighbors owned colored slaves. But as elsewhere in the Old South at that time, the black race was kept subjugated, segregated, uneducated, and totally dependent on the white masters. Ignorance and the pristine poverty on the frontier shored up this provincial attitude on the part of the white men. Such absolute control of the Negroes under the slave yoke allowed an imaginary social elevation to exist, upon which the most contemptible white man, seeking stature, might ascend and conceal his own lack of self-respect and human decency.

Yet despite this great barrier and hazard to democratic government and social improvement there was a definite family-scale and community-wide advancement made throughout the 1850's in this part of Texas. For the land was new, the people young and aspiring.

## Chapter II

When James Olive and his neighbors tired of driving four days to the Milam County courthouse at "old Nashville" to take care of their legal business, they brought forth a petition asking that a new county be created for them from the western end of the sprawling county. On May 13, 1850, he traveled to the new county seat of what they now called Williamson County, named after "Three Legged" Willie Williamson, the district judge, and there registered his brand in the Cattle Brand Book of the new county. He used the initials LB, the second letter of his own name and the first letter from Brashear, his wife Julia's family name. Since a neighbor had used an OT brand and registered it a few days earlier, Jim Olive explained it to Julia.<sup>1</sup>

"It's a good brand, wife, and will bring us luck. We'll sell many *pounds* of beef under that brand." The cowmen immediately dubbed it "Olive's pound brand."

Julia strode over to her youthful fifty-five year old husband and pressed her cheek to his own. "Everything you have done for me was good," she said simply. Jim Olive took her tenderly in his arms, planted a kiss on her lips. In her dark and beautiful eyes he glimpsed each of their children, so much like their part-Cherokee mother, dark, lithe, walking or riding with a grace and muscular coordination which was a legacy of many generations of primitive Americans. It was Julia first who taught each son and daughter to ride, catch fish, plait a hondo for their ropes, tan a hide, and set a trap in the brush for the loafer wolves. From her, too, they learned to cook, wash dishes, milk the family cows, and perform a hundred little chores on the ranch. Father Jim Olive could now hardly persuade the boys to dismount from their horses to perform any barnyard task.

The following year, when James Olive was called to the new

county seat, Georgetown, it was named, he took Print along. It was an important trip, and Print though only 11, never forgot the experience. His father was in a lawsuit, a simple civil case.<sup>2</sup> Much earlier, a man, James Tripplett he called himself, came to the Olive store. He was sick and friendless. Jim Olive took him in, provided for his needs, and Julia and the colored women nursed him. On June 20, 1851, Tripplett died and they gave him a Christian burial in the Community cemetery. On August 4, Olive petitioned the court to be named administrator of Tripplett's small estate, a battered trunk with his personal possessions which he had moved into the Olive store building. It was a great surprise when a well-respected neighbor, D. F. Knight, filed a cross-petition asking that he, not Olive, be named administrator. The man was, affirmed Knight, actually named James Covey, who owed him a small bill for feeding his buggy team. The court obliged, dismissing the case September 13 when James Olive withdrew his petition. But the case provided material with which Jim Olive instructed his small son.

"A man can play out a bad hand in a card room, Print, but never in a court room. Never go to court without a well-prepared case."

The pair returned to the Olive Community and the case was given no more thought. For James Olive had more important and pressing business at home. On the nineteenth of that month, just six days later, a tiny, blue-eyed daughter was born to the Olives. They named her Alice Laura, and she became a favored sister to Print. By the close of the Fifties, with the births of Robert Allen Olive, or "Bob," as they called him, blue-eyed Alice and Lulubelle, the family now numbered nine. It was a decade of peaceful living and loving family life. Only when Betty became enamoured of and married the young neighbor boy, George Thomas Wynn, would the family pattern be broken.<sup>3</sup>

By the time Betty Olive married, in 1854, Print had been elected *caporal* of the cow hunts several times. Now the wallets were carried by another small boy who rode one animal and led the bell mare. The bell mare served the purpose that the later roundup chuckwagon would serve, providing a central gathering place where the men could meet, camp, and eat. "Rattle that bell louder, Ephraim!" Print would shout at the boy, when the tin cups strung

on the mare's neck along a rope could not be heard at a distance, and the men had to shout from the brush to locate the camp.<sup>4</sup>

Cow hunting on the Brushy and Yegua was a year round occupation, the wild cows being given a rest only at calving time. Even then, some cow hunters ran the weakened animals, averring that a longhorn cow with a calf by her side, rather than inside her, took more time to subdue than her hide and tallow were worth. Most said that at calving time the meat from a longhorn cow "could be packed in her horns." After a catch of the wild cattle, the surliest would be yoked to the gentle oxen which had been broken to this use and the *cimarrones*, as the vaqueros called them, that is *wild cattle*, were dragged to the corrals for branding, earmarking, and, if bulls, castrating.

The wild cattle were not the only creatures of the creek bottoms, for deer and black bear were often found during the hunts. The thickets were filled with red squirrels, and furtive wild quail hunted along the streams and frequently in the settlers' grain patches. There were hundreds of wild turkeys that roosted in the lower branches of the pecan trees and the liveoaks. Many old buffalo wallows, farther out on the prairie, would fill with rainwater in the spring, attracting thousands of wild ducks, plover, curlews, and the magnificent whooping cranes that came down each winter from the Great Sandhills of Nebraska and the Dakota and Canadian plains country. At that time of the year, Print would ride out with his mother upon the prairies and watch the gatherings at the small rainwater lakes.

"I'd like to go back north with them some spring," he once said as they watched a dozen of the great cranes leave a prairie lake and fly south. His mother only turned her chin upward, her sensitive nostrils quivering with the tang of fall in the air.

"Be patient, Print," she said simply. "I believe you have been the one in our family cut out to go many places and do many things."

There was not a stream in the vicinity that was not well stocked with fish—big-mouth bass, catfish, bream, and the delectable goggle-eyed perch. It was a delightful area in which to rear a family or to grow up in one, an environment where there was the finest



hunting, excellent fishing—and always the cow hunting with its wild, free smashing through the brush after wild cattle which Print loved the best. He enjoyed the night card games on the hunts, when the men would play poker or pitch for the day's catch. Yearlings were valued in the game at fifty cents per head. The top price for any class of cattle was under five dollars a head. There was always plenty of whiskey in the Olive cow camps, Jim Olive ruling only that there be no drunkenness and that the men be able to ride the next day for their share of the wild cattle. The alert herd boy, standing over the card game with a flaming cornhusk torch, easily acquired the virtues and the vices of the older men after one or two of the cow hunts.<sup>5</sup>

Having served a tough apprenticeship, Print became a strict boss. He would not let liquor interfere with "the catch," which was the important part of the cow hunt to him. In the use of the raw-hide *riata*, none excelled him on the hunts. At the age of eleven, he could catch and tie the toughest longhorns in the brush. In the popular flat-horned, low-cantle Texas saddle that had come up from Mexico, Print learned to throw a tight, small, and fast loop that ran up over the animal's muzzle and over one horn. Where the brush was heavy, and a head catch not likely, he developed a small, fast loop for "heeling" the swift brush-runners. The Mexican *vaqueros* who worked for Jim Olive taught Print and Jay the art and game they called *colear*, meaning literally "to wag the cow's tail." Riding alongside a running longhorn, they would pick up the animal's streaming tail, take a quick turn around the saddle horn, and ride off at a ninety degree angle, flipping the animal off its feet as easily as a child picks a daisy. But the method broke so many horns and crippled so many cows, frequently breaking the animal's neck, that Print soon came to discourage the practice. For the object of the cow hunt was to catch, mark, and gentle for trail purposes the better longhorns and to brand the cows in order to claim the offspring. A live animal might bring only two and a half to five dollars a head, but a dead animal rotting in the brush brought nothing.

There was no hard and fast line drawn in the Olive cow camps about division of cattle after the hunt, but Print soon saw to it when

he became caporal of the hunt that the boy who rode the bell mare received the same cut as the other men. He had always resented the old practice of not rewarding the pallet boy with a full cut until he passed twelve years of age. In his camps all received the equal share except the Mexican and Negro help working for another employer.

The dress of the hunters was uniform, a wide-brimmed, low-crown felt hat. The hunters wound up their long hair and packed it up into the crown of their hats while brush "poppin'," as they termed it. Homespun trousers, covered by short brush leggings, *armitas*, or *chaparejos*, as the Mexicans called them, were the usual attire. They wore short tail, heavy denim, or duck jackets with large red or blue bandanas tied around their throats. The large, dull-roweled spurs were more often than not worn as an integral part of the boot, and never unstrapped from it. All the equipment, saddles, chaps, bridles, boots, jackets, were scarred and torn from a thousand battles with the wild cattle in the brushy thickets.

From that earliest memory of the broad, strong backs of the work team, laboring against the yoke as they pulled the family wagon into Texas, Print felt a security when dealing with cattle. Those who worked with him, catching, branding, and cutting cattle, felt that eager tension about him and worked a little faster and with more apparent interest. And Print saw that as his star rose in the cattle business in his locality, more young friends filled his home at the social gatherings held there. Beneath his seemingly tough exterior was always a young man hungry for understanding and affection.

Within the limited social milieu of the Olive Community, births, deaths, and marriages were the most important occasions. Picnics and gatherings at the Gentry Well, not far from the Shiloh Crossroads, where Josiah Taylor opened his store in 1848, east of Jim Olive's ranch, held a great appeal for the neighborhood folk. The old well at Gentry's had received its name from the early settler, Bill Gentry, an amiable member of the community upon whose land the well had been sunk. The Gentry Well afforded clear, cold water, which was drawn up in a moss-covered, wooden bucket by a windlass and stout rope. In a dense grove of lovely post oak and walnut trees which opened out onto a grassy clearing, the neighbors often gathered. There, Print and his family had enjoyed the

Independence Day accolades directed to the old survivors of the Mexican War, among whom were Sampson Connell, Andrew Berry, Cal Gage, Adam Lawrence, and others. Once the folks had heard an address given by Judge R.M. (Three-Legged Willie) Williamson.

The Lawrence Chapel, a small log church with a congregation predominantly Methodist in faith, stood down the lane from the Olive ranchhouse. The church land had been contributed by Ad and Sarah Lawrence. Neighborhood men of the Olive Community had constructed the building between cow hunts. To the south was the old Burying Ground, later changed to an area west of the new log chapel and appropriately named the Lawrence Chapel Cemetery.

The Olive womenfolk were pillars in the little church, though James Olive and the boys attended less frequently as they grew older. The Sunday School was taught by young Frederick Wade, the schoolteacher, who had come to the vicinity from Illinois and who lived for a time with Ad Lawrence. When the young teacher suggested to Jim Olive that his boys be made to attend church by force, if necessary, Olive ruled defiantly, "Over my dead body. Each man's body is his own temple. He must live in it. My boys have been taught the basic Christian principles. If they want more they'll study it out for themselves." And there Wade let the matter of religious instruction rest, nor did Jim Olive thereafter ever dispute with him about beliefs, holding to the Golden Rule as his own simple ethic and philosophy of life.

Georgetown, the new county seat, was forty miles to the northwest, across the rolling prairie. The town was named after George Glasscock, donor of the townsite. Though remote in distance from the Olive Community the town held a warm place in their affections. It was at Georgetown they registered their cattle brands and kept their land titles in the little wood courthouse. By 1853, Marchalk and Son had established a newspaper, *The Independent*. There were a dozen homes in the town, a blacksmith shop, two churches, two general stores, a wagon yard and livery stable. Dr. M. E. Jennings practiced medicine and ran the drug store. The county taxpayers numbered two hundred and seventy-one. The Indians had been moved from the reservations on the Brazos' Clear Fork to

the Washita by 1858, so there was a feeling of security in the neighborhood. Only one theme seemed to crop up in every conversation in that decade, forcing men to hold their tongues or to openly declare themselves for or against the issue. The Texans being what they were, each man usually stated his feelings, letting the chips of criticism fall where they may. But all discussed *Secession*.

These discussions of Secession and its purpose and reasons for being were not those elevated and polished talks that had been going on in the halls of Congress for several years. They were rather the candid, honest, oftentimes cruel search by the people for truth. The disputes reached into every household and usually strangled any other and more genteel conversations in progress. Brother soon found himself often in disagreement with brother or father. And ugly sentiments never before raised in the region came to the surface.

Print, now twenty years old, slight in build, wiry, tough, and fast becoming the leader of their clan, kept both ears open to the discussion of Secession, though unknown to himself he had actually set his own mind. At Georgetown one day for the spring term of court with his father, he heard Secession discussed much as two cowboys had discussed it a few days before at the old Rock Saloon at McDade.

"Hell," said one cowboy, "this big talk about Secession is just talk about niggers. If you own a nigger, you ought to fight them dam-yankees afore they turn your nigger loose. Me? I don't own a nigger. So what I got to be goin' off fightin' fer?" Loud laughter had shaken the saloon as he pronounced his views. Now as Print and Jim Olive stood at the doorway to the courthouse, two townsmen were discussing Secession in much the same manner.

"Mistah Frank, up on the fork, owns eight colored men and five or six women and children. But he don' talk about gettin' out his Mississippi rifle and goin' huntin' Yanks. Me, I don' own a single man. So why should I go off fightin' Mistah Frank's battles?"

Later Print snorted at the talk. "Don't that damned fool know them stinkin' Yanks will be down heah rapin' our women if we don' go stop them?" Jim Olive looked away, his mind mulling over

the manner in which the newspapers discussed the Constitutional Rights of free men, yet blandly passed over the status of the enslaved Negroes.

"Texas is just like a virtuous young woman, standing helpless before those rapists of the No'th," Print was speaking almost breathlessly. "What we expected to do, father, just stand by—?"

Back at the ranch James Olive purposely led the conversation that night to Secession. He sought to set his boys straight, from his own point of view. It would be much more profitable to just keep riding for cattle, he advised them, just to keep stamping on the old LB brand, claiming the offspring and branding it, building bigger corrals and waiting for folks to cool off about Secession.

"I can't see any sense in getting in a silly fight over that Lars boy, can you? If you boys will just simmer down and let Sam Houston run Texas, everything will come out clean in the wash."

In Austin, Sam Houston wisely counseled Texans against leaving the Union. But in the corrals and the brushy thickets of the cow hunts, talk was mostly for Secession.

## Chapter III

On the day Jefferson Davis was inaugurated President of the Confederate States of America, Print and Jay Olive were returning from a trip to Louisiana, where they had delivered a small herd of young steers to the coastal market. The packhorse they led was burdened down with bolts of fine cloth for the womenfolks and other items for their households. But hidden deep within the bedroll was also \$3,000 in small gold coins. Both boys were armed like soldiers, for the paths and thickets were crawling with outlaws and highwaymen. The long trip had been carefully engineered by shrewd Jim Olive to turn his boys' heads from the talk of Secession that blazed away in their community, inflaming the young men's passions with talk of killing. As it happened, the father could hardly have planned worse, for in the towns the boys passed through on their trip, they heard more talk of Secession than they would have heard in Williamson County in a year.

The Southland that year was a turbulent ocean of deep-running, misguided channels of unopposed hysteria, sponsored in large part by secession-favoring state governments, backed by the plantation owners and beneficiaries of the slave traffic and given the awesome benediction of the new Confederate government. For as always, when an old world dies the hidden forces of nihilism are called forth in its final attempt to destroy the new world aborning. And this year the market trip made fire-eating secessionists out of Jim Olive's two oldest boys.

At Montgomery, Alabama, the new Confederate government, though forming, had not yet involved itself directly in war. At Austin, on January 28th, a state convention voted, without discussion, for Secession from the federal union. A state-wide vote was then taken, and Texas was found to favor the measure 46,129 to 14,697, though Williamson County opposed secession 480 to 349.

Print, voting for the first time, cancelled out his father's vote against secession.

When the Austin convention reassembled on Texas Independence Day, it adopted the Resolution of Secession. Sam Houston refused to take the oath of allegiance to the new government. "No man can rightly serve two oaths of allegiance to two separate and opposed governments at the same time without repudiating one or the other," he told friends. "I *have* an oath of allegiance to Texans under the Constitution of the United States of America and its government." For his stand, the Convention declared the office of Governor of Texas vacant.

Many Texas men now rejoiced at the turn of events. Print lost no time in offering his services to The Williamson County Mounted Volunteers. In the group, he found himself under the guidance of his former schoolteacher and friend, Frederick S. Wade. Wade had presided over the Lawrence Chapel Sunday School during the great schism within its membership over the matter of interpretation of the Bible.<sup>1</sup> Half-Baptist and half-Methodist at that time, the congregation divided over the diet of John The Baptist, a diet reported to have been locusts and wild honey. All knew what wild honey was, for it was commonplace to their tables. The split came over the definition of "locusts," with some, the Baptists, affirming it was grasshoppers, meant by the Good Book. The Methodists thought as surely it meant locust beans, the *boecksur* of the Hebrews.

Fred Wade distinguished himself as a church leader by pacifying both sides, awaiting the arrival of the old circuit rider, a Methodist, who stated most positively that the Scriptures meant locust beans. But when the Baptist preacher filled his appointment some weeks later and firmly asserted it was grasshoppers the Scripture meant, then the war was on again! Wade was happy to escape to the Confederate service, thereby eluding the wrath of all the congregation.

Not too long after the church schism and before Wade left for the army, Ad Lawrence aroused him one night, calling "Uncle Fuller! Uncle Fuller! You got any powder for your gun?"

Hearing Uncle Ad calling him by the familiar nickname which

only he used, and at the same time catching the sound of hoofbeats without the door, Wade asked, "What's the matter?"

"The grasshoppers has swarmed, bin to Lexington where they got some bad whiskey," Uncle Ad told him. "Now they come here, fixin' fer a fight—and they's goin' to git it!"

One blast from Uncle Ad's old bull gun ended the rendezvous outside his door, and the hoofbeats could now be heard in the distance. Putting his old gun away he told Wade, "They knowed what was comin'. I'm proud that they didn't stay." One night rider had, however, left his chin-mark on a low hanging tree limb in Uncle Ad's driveway. But they learned that later.

The Mounted Volunteers of which Wade was lieutenant had been organized by Captain B. T. Middleton. When Print and his closest friend, blonde-haired Frank Condron, joined, Jay too, tried to enlist. Jim Olive set his booted foot down.

"You'll do no sich thing," he told Jay. "It's enough that Print's a'goin' out lookin fer trouble. You'll be needed bad enough right here at home, fer you and Ira are goin' to run this place 'til Print gets back."

Though their intentions were practically the same, there was much bickering and quarreling among The Volunteers. At each meeting the company divided over the issue whether to offer their services immediately or whether to let their individuals complete their courtships, farm work, and cattle work before leaving. The Captain represented the element wanting to wait. Opposing him was his first lieutenant, Fred Wade. War, as he saw it, was not something for a select few. There was no mystic quality about military membership that permitted men to wait at home until everything met their specifications while other men were already in battle. Wade thought the men would permit themselves to wait in this exclusive category, without risk, as long as possible, rewarded with the praise and affection of a grateful home populace that felt the need of a Home Guard rather than a fighting army. The proper thing to do was to offer their services immediately, he argued.

Since no satisfactory agreement was reached, it was decided to hold a full dress review of the Volunteers and at that time to discuss the matter fully and formally before the entire body of troops and



at a public meeting. All looked forward to the decision that would come out of the debate.

On June 2, 1861, the Olive families packed enormous lunches, loaded up their several wagons, and set off to the area known as Post Oak Island. The place was not, as the name would imply, an island in water, but actually an island of post oak trees on a lovely prairie. Thick sedge grass grew up to the edge of the island of trees, then gave way to a short, blue-green grass that made it a favored picnic spot.

Print, dressed in his best homespun trousers, his boots blackened with lamp-black, his rifle and revolver with brass shining and steel glistening in the sun, rode alongside the wagons. Buck, the alert gelding he rode, a grandson of Tawny the mare that had walked into Texas behind the Olive wagon eighteen years before, danced along with pride, knowing from the currying and washing Print had given him that he was celebrating a very special occasion. Over his clean, blue cotton shirt, Print wore a light tan brush jacket, a silk scarf waving at his throat. Under the crown of his hat he had stuffed his long hair and he now sat his mount with the grace that marked the Texas horsemen of that era. Up and down the column of wagons lumbering along the road he loped, gathering news from one party, returning and sharing the morsel of gossip with his family and friends. His black eyes, set above his rounded cheeks, wrinkled at the corners with sun squint until he had the appearance of smiling even when his face was in repose. Print Olive's naturally friendly mental outlook had made him hundreds of friends, and the capable leadership he gave on the cow hunts had won the regard of the older men who usually reserved their highest respect for those their own age. But his calm exterior concealed a volatile nature and a fierce temper that could only be satisfied by immediate and complete satisfaction for a wrong done him or his friends or family.

This day Print was at his friendliest, waving and shouting greetings to friends and neighbors in the wagons. James and Julia Olive sat erectly on the spring seat of a light wagon, leading the three other Olive wagons. In the wagons trailing behind rode the womenfolk and the younger children, stolidly sitting three abreast upon boards laid across the wagon boxes. In one wagon was a great mass of

foodstuffs, piled high, a heavy tarpaulin covering the whole. In the other wagonbed was straw, down in which rode the smallest of the children, some often standing with fists clenched on the topmost board, waving and shouting in glee to Print as he rode by. One or two of the smallest slept fitfully in the straw at the bottom of the wagon, their faces shielded from the bright sun by the friendly shadows of the colored men and women who leaned protectively over them.

At the grove, the families disgorged themselves and their equipage from the wagons, selecting picnic spots among the tall postoaks that shaded the grassy openings. By one-thirty in the afternoon, lunches had been eaten and the officials moved to a central point where three wagons had been rolled alongside and long planks laid across the wagon boxes to make a speakers' stand. Soon the crowd of more than two hundred persons assembled around the stand. Parson Randolph, the circuit rider, climbed the stairway and intoned the benediction. At the close of his prayer, Mr. Littin, a local cattleman of prominence, climbed the ladder to the top of the stand. Littin was introduced and spoke briefly about political and military matters of the day. Asking all present to search their consciences for the right, then to do it willingly, he introduced the venerable Marmaduke Gardner, the speaker of the day.

Gardner was a man well into his sixties. He was an ardent Secessionist, a powerful speaker, and he strode the platform this day with great assurance, commencing a fiery talk about Secession from the Federal Union, which was now an accomplished fact. Tossing his gray mane and chinwhiskers in the summer breeze as he spoke, Gardner brought up all the imagery of the campaign that won secession for Texas, the exclusion from the territories won from Mexico; the lack of protection for the frontier settlements; his personal opposition to racial equality and condemnation of Abe Lincoln whom he said "will ruin all the slaveholders of the glorious Southland." He dwelled on "Yankee perfidy," "states' rights," and the true meaning of the American Constitution. When he had concluded his address amidst a roar of approval and applause, he was dripping wet with perspiration and proudly descended the ladder, aided by a dozen willing hands. With the conclusion of the

No 1047-

Suite

In action on

or

for Pen AD 1872

Shipworth & Donaway

Willsam Co

And now comes

I. P. Olive, the surety of the debt  
Donaway came for an answer to  
the writ in the cause served  
on him says that at the present  
term of this court viz 12 day of  
Nov. 1872 the debt Donaway  
appeared in court and  
pleaded guilty to the indict-  
ment against him. Debt for-  
says that the reason why his  
said principal was absent  
at the last term of this court  
when the indictment was taken was  
as he is informed because  
he had been informed that  
the indictment had been  
dismissed. Affiant also says  
that he him self was informed  
~~and~~ ~~that~~ ~~to~~ that effect him self  
that he does not believe the said

PHOTO COPY-

TO: 1047 State of Texas vs  
Shipworth & Donaway  
12 Nov. 1872

This is the record of a civil action brought in court by I. P. Olive, the  
Surety on a debt of Donaway. Olive pleads that he does not feel that  
Donaway made default, since Donaway felt that the charge had been  
dismissed, etc., etc.

**The State of Texas,**  
**COUNTY OF WILLIAMSON.**

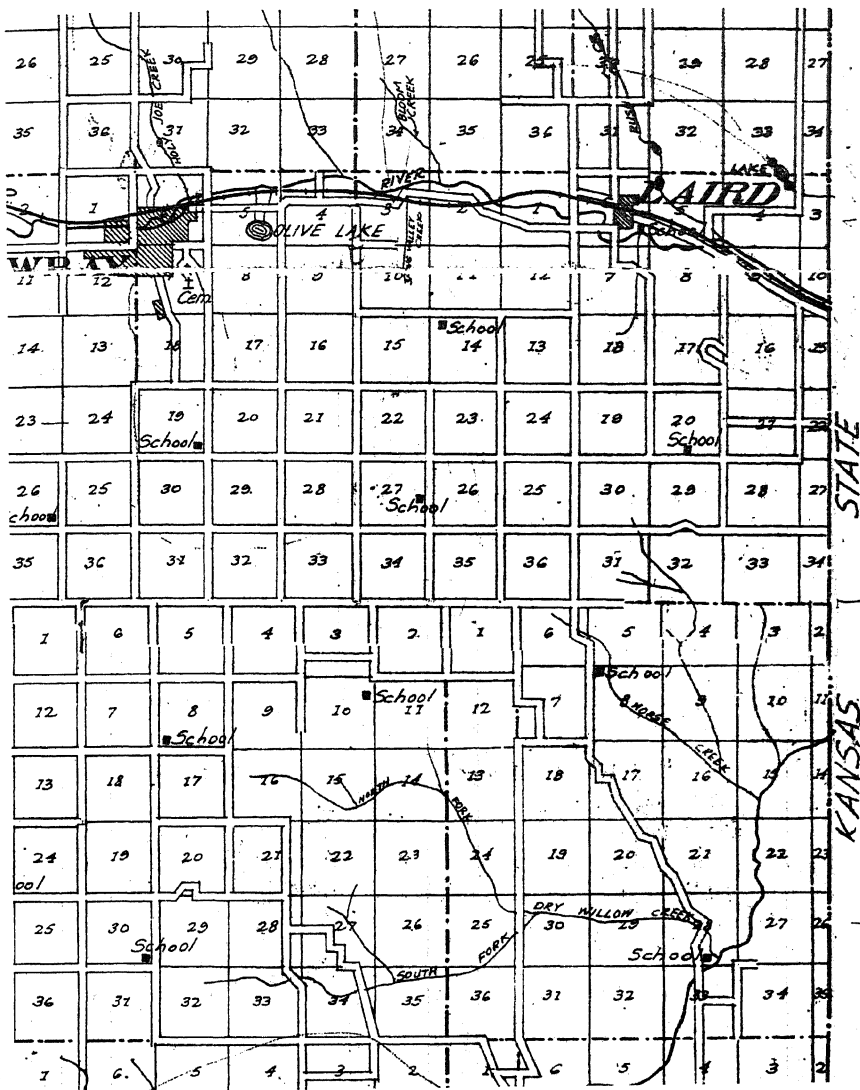
WE, to-wit: Robert Olive  
and principal, and I P Olive  
and James Olive  
do hereby acknowledge ourselves, jointly and severally, to owe the State of Texas in the  
sum of One hundred dollars;  
but upon condition to be void if said principal Robert Olive  
shall personally appear before the District Court of Williamson County aforesaid, at  
the next term thereof, in Georgetown on the first Monday  
in March A. D. 1874 then and there to remain  
from day to day, and from term to term of said Court till discharged by law, to answer  
the State of Texas and stand trial upon a BILL OF INDICTMENT, preferred against  
him the said Robert Olive by the Grand Jury of said county  
for unlawfully carrying a six shooter

WITNESS our hands, this 14<sup>th</sup> day of February  
A. D. 1874 I P Olive

The foregoing Bond approved by me this 16 day of  
Feb A. D. 1874

Sam Strayhorn  
Sheriff of Williamson County, Texas.

Photostat of Bob Olive's bond, approved by Sheriff Sam Strayhorn, 16 Feb. 1874. The Bond is signed by I. P. (Print) Olive and James Olive (X His Mark) as Sureties. The amount is \$100.00. This was District Court Case 1057. Bob appeared and was fined \$25.00 for "unlawfully carrying a six-shooter."



Excerpt from Township Map of Yuma County, Colorado, showing site of Olive holdings near Wray. Olive Lake may be noted. Olive Dam was built in 1898, long after the Olive range work here in the 1870's. The range was reported to be as far south as the north fork of Dry Willow Creek and a line camp near headwaters of Horse Creek, just eight or ten miles north of Beecher Island, site of the famous Indian fight.

VICKSBURG, MISSISSIPPI. JULY / 1863.

TO ALL WHOM IT MAY CONCERN, KNOW YE THAT :

I *James W. Allen*

a *private* of Co. *6<sup>th</sup>* Reg't. *24<sup>th</sup> Me.*

Vols. C. S. A., being a Prisoner of War, in the hands of the United States Forces, in virtue of the capitulation of the City of Vicksburg and its garrison, by Lieut. Gen. John C. Pemberton, C. S. A., Commanding, on the 4th day of July, 1863, do in pursuance of the terms of said capitulation, give this my solemn parole under oath—

That I will not take up arms again against the United States, nor serve in any military, police, or constabulary force in any Fort, Garrison or field work, held by the Confederate States of America, against the United States of America, nor as guard of prisons, depots or stores, nor discharge any duties usually performed by Officers or soldiers, against the United States of America, until duly exchanged by the proper authorities.

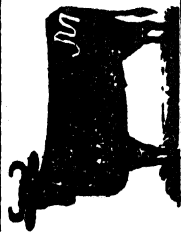
Sworn to and subscribed before me at Vicksburg, Miss, this *7<sup>th</sup> day of July 1863.*

*Geo. M. Goodard* Capt. *Co. 6<sup>th</sup> Reg't. 24<sup>th</sup> Me.*  
**AND PAROLING OFFICER.**

Photostat of I. P. Olive parole slip from Vicksburg, Miss., July 7, 1863. All Confederate prisoners who surrendered at Vicksburg to Grant's army were paroled. The above Parole Slip was carried home by Print Olive. Olive never received a Discharge from the army. The Confederate Army, after Lee's surrender at Appomattox Court House, just "broke up and went home" as one veteran said. *Photostat copy from The National Archives, Washington, D. C.*



Post Office address, Fordham, Hodgeman county, Kansas. Cattle brand, diamond (connected) on left hip and cross on left jaw. Horses as cat-shoulder same as cattle on left hip.



John McMulla.  
Post office Pawnee Valley, Hodgeman co. Ranch on Sand Draw. Cattle branded J M (connected) on left hip.



W. A. Frush.  
Post office, Garden city, Kansas. Brand F. R. connected on right side. Ranch with G. Longendyke, on the Pawnee.



E. K. Farnsworth.  
Post office address Farnsworth, Lane Co. Ranch near post office. Cattle brand X cross on each hip, and strap down on bracket. Additional brand.



I. F. Olive.  
Address Dodge City. Ranch on the Saving. Cattle branded 7 on left side and L on left thigh. Horses branded with a heart on left shoulder and thigh, and with 7 on left hip and also some an L on right thigh.



R. B. Linville.  
Address Sidney, Ness county. Cattle brand UR connected on left hip; ranch near Sidney.



Robert E. Rice.  
Address Dodge City. Cattle brand R on left side and U L connected on left hip; ranch on Trail creek (Longendyke's), Hodgeman county.



Linville & Newby.  
Post Office Kidderville, Hodgeman co. Cattle brand as on cut and under lit in each ear, and horse brand same on left shoulder; ranch on the Hackberry. Rail-



Long Brothers.  
P. O. address, Arthur, Hodgeman co. Cattle brand bar circle on left side, also 7 on right hip. In left ear, diamond on left side. Horse brand on left shoulder.



Henry S. Mudge.  
P. O. address, Mistic Branch, Hodgeman co. Ranch on the Hackberry. Buckner and Jaws river, Hodgeman co. Brand on left side on both sides, with a diamond cut in right ear. Horse brand same on right hip.

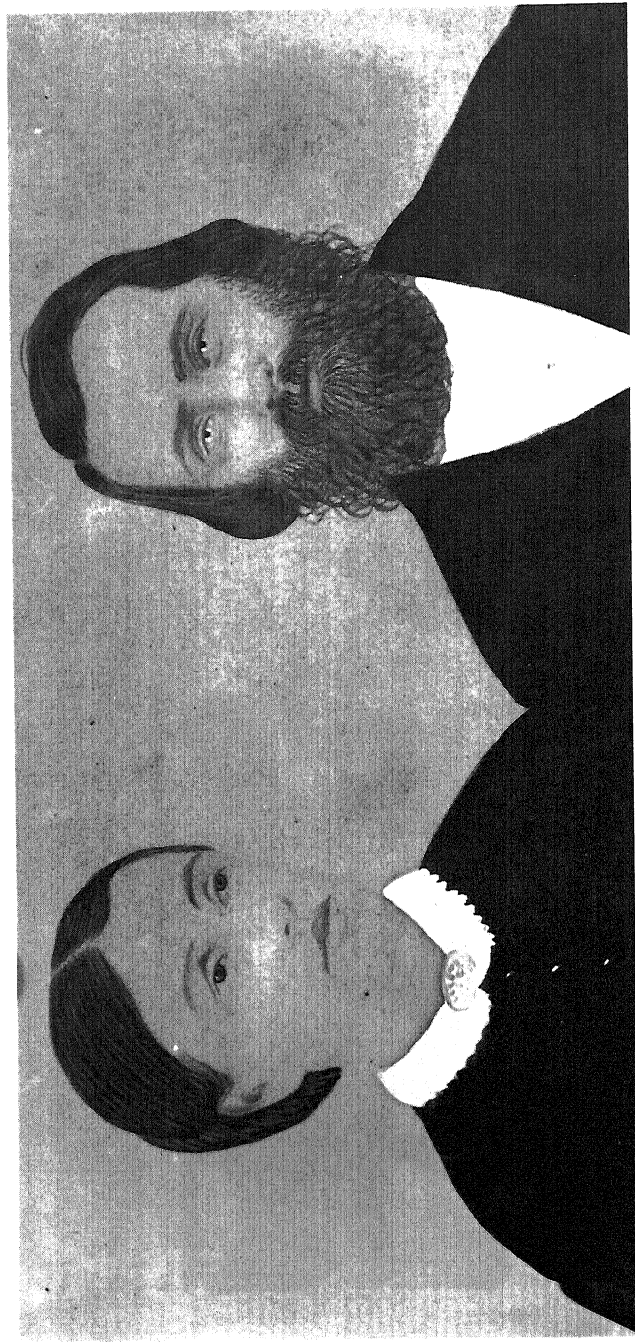


Julian Targlin.  
P. O. address, Pawnee Valley, Hodgeman county. Ranch on the Pawnee. Cattle branded J on right hip.



George K. Lee.  
Post Office Brown's Grove, Pawnee co. Ranch on Pawnee, 9 miles west Brown's Grove. Cattle brand K L (connected) on bar underneath on ear side and ear.

Brand advertisements from *The Kansas Cowboy*, Sidney, Kansas, circa 1883-85. Print Olive's brand advertisement is at the top center. He was using his "Lucky 7" brand and the L "for Louisa" on the left side and thigh of his cattle. His horse brand was a Heart, on left shoulder and thigh, a 7 on the left hip or the L on the right thigh. *Photostat courtesy Kansas State Historical Society and Minnie Dubbs Millbrook.*



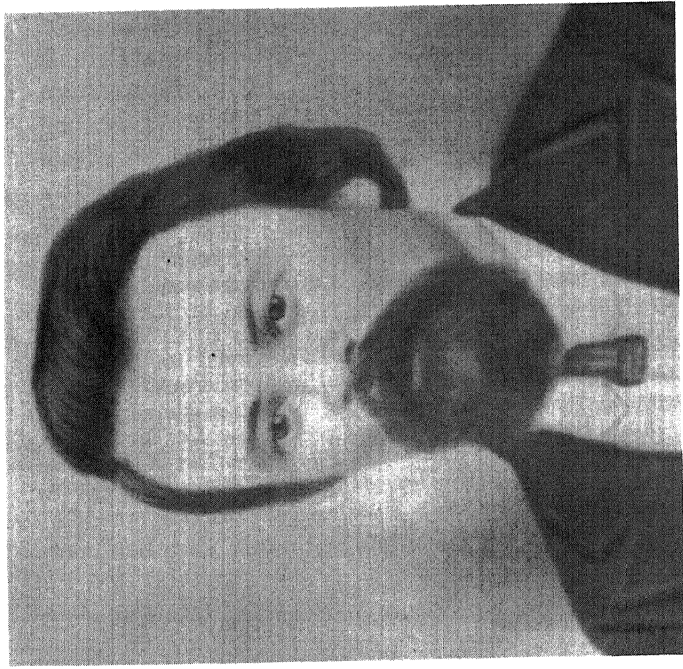
JULIA A. (BRASHEAR) OLIVE  
B. May 15, 1820—D. Dec. 20, 1883

JAMES OLIVE

B. May 21, 1804—D. July 10, 1882

The above photograph was made of an original painting done from an old daguerreotype taken about the time James and Julia Olive moved to Texas or shortly thereafter. Jim Olive's grey-blue eyes are in contrast to the dark eyes of his part-Cherokee bride. The Olive sons and daughters were all marked with the black eyes and hair and dark skin of their mother and the widow's peak of their father. The blue eyes of James Olive, however, show up in some of his grandchildren. *Photo courtesy Mrs. Gregg Laurence, great-granddaughter of James and Julia Olive.*





#### ISOM PRENTICE OLIVE

The above photograph was taken when Print Olive was a young man recently back from Confederate Army service. This is the only photograph that has ever been identified by his son, Al Olive of Dodge City, Kansas, as that of his father. *Photo courtesy the late Al Olive.*



#### LOUISA (RENO) OLIVE

Louisa Olive, Mrs. I. P. Olive, is shown in an old photo which shows her as a mature woman of perhaps 30 years. Though her grave marker gives her birth date as in 1845, in Alabama, old Williamson County, Texas, census records of 1870 give her birth date as 1849. *Photo courtesy Al Olive, son.*



### ALICE LAURA OLIVE

B. Sept. 10, 1852—D. July 1, 1927

A favorite sister of Print Olive, Alice Laura Olive married William Thomas Smith. Tom Smith rode with the Olive boys and aided them in their fights against the Yegua and Knobs rustlers. To this union were born four boys and four girls. Tragically, three of the boys, Edgar, Gordon, and Riley, died violent deaths. The fourth, Oscar, was said by Alice Olive to be "just like his uncle Print." Oscar was a well-known and liked cattleman and banker of the Indian Territory. *Photo courtesy Myrtle Claire Smith, daughter.*



### IRA W. OLIVE

B. Nov. 4, 1847—D. Sept. 7, 1928

Ira W. Olive, shown above at the age of 30 years, had this picture taken at Austin, Texas, about the time the Olive Brothers moved their great herds to Colorado and Nebraska. He lived to the age of 80 years, a prosperous and well-respected banker-cattleman at old Plum Creek, now Lexington, Nebraska. *Photo courtesy Nora Handley, daughter.*

speech-making, the crowd now moved across the grassy opening to an area where the military review of the Williamson County Mounted Volunteers would be held.<sup>2</sup>

At the far side of the clearing, the horses had been tethered. At a signal from the captain of the Volunteers, the men quickly crossed the opening, each rider selecting his own horse and putting his equipage in order for the exercise. At the captain's command the ranks were soon formed, four horses abreast, the troop consisting of fifty-two mounted men, making an impressive sight. Two riders, carrying the flag of the Volunteers and the stars and bars of the Confederacy, closely followed by Captain Middleton who was mounted on a fine gray gelding, led the way down the prairie. The captain, followed by his two lieutenants, made up the only members of the company in full dress uniforms. Their field gray uniforms, gray felt campaign hats, the sabers clanging alongside them and black leather holsters with the shiny butts of Colt revolvers peeking out made an unforgettable sight to the country folk who had never before witnessed an expression of military might.

Behind the colors and the officers came the Volunteers, flanked on each side by their non-commissioned officers, a sergeant and a corporal, each with ten troopers and all mounted on the finest of saddle horses, making a great splash of color along the sundrenched route of the march. Rough, homespun clothing covered their bodies. Their feet were ensheathed in heavy cowhide boots, made locally by the speaker of the afternoon, Marmaduke Gardner, a skilled tanner and fashioner of leather products. On their heads were the familiar pliant-brimm'd felt hats in an assortment of colors to match their term of service on the cowhunts, the long hair of the riders stuffed high inside the crowns. Their weapons were an odd assortment, ranging from the long-barrel rifles brought across the Great Smoky mountains by fathers and grandfathers to the new Colts, a few of which rode the hips of the Volunteers in shiny new cowhide holsters. Some of them carried shotguns, some Kentucky rifles, some rifle-muskets, mostly of the percussion type; but a few bore flintlocks that hadn't been fired since the War of 1812. There was none who found it easy to manage a long rifle while in mounted drill, and a few had burdened themselves down with long

Bowie knives, daggers, hatchets, and butcher knives. A stubborn few, without firearms to carry, stuck Indian tomahawks in their belts or boot tops, carrying long, sharp, home-made wooden lances.

Most of the young men who rode across the sedge-grass prairie this June day were from the surrounding farms and ranches of Williamson, Lee, Milam and Bastrop counties. All were equally at home on horseback, all skilled in the use of the revolver, rifle, skinning knife, axe, lariat, or fists. They were a proud, tough, vain, and ignorant lot, more at home roping the longhorns in the brush than riding in a collective drill. There were many in the ranks who could not hold their mount to a straight file for thirty seconds, yet who could ride across the prairie at breakneck speed, dip down from the saddle and pick up a pistol or handkerchief from the ground three times out of three tries. This day they rode proudly, though awkwardly, in their drill, their ragged ranks visible to even the unpracticed eyes of their families. When the review was concluded, there was great applause from the womenfolk and hoarse shouts from the men as the Volunteers dismounted and led their horses to a nearby spring. The group then assembled in the great island of post oak trees away from the main picnickers, a "military critique" being given as the reason for the segregation of the military from the civilian groups.

After calling the group to a central area, Captain Middleton spoke briefly about the drill. But the men of the organization knew that this talk was but a preface to the main theme of the meeting: What disposition was to be made of the Company? Middleton then permitted his lieutenants to cover a few moot points of the military review. When his turn came, Lieutenant Wade immediately brought up the matter of entrance into Confederate service. Middleton forthwith opposed the plan, declaring the company totally unfit for such a step. Then, apparently closing all talk of that nature, the Captain placed a paper effigy of President Lincoln on a nearby tree, painted a large red cross on the left breast of the image. Stepping back a few feet he said, "I will take the first shot. Each member of the company will follow me. The shot nearest the center of the cross will entitle the marksman to a prize." He paced off fifteen steps,

turned, aimed carefully and fired. Then he offered his six-shooter to Lieutenant Wade.

Wade declined the offer. "Sir," he addressed the Captain, "I have a speech to make to the Company."

The Captain looked surprised. "Well, speak away," he said dourly, "it's a free country."

Wade turned to the men. "Gentlemen," he began, "if old Abe Lincoln were here today, in person, and with a gun in his hands wanting a fight, I think he could be accommodated. But from my point of view, this is a very serious proposition that faces us. The North has a population of twenty-five millions. It has the regular army and navy. We have but eight millions, three millions of that number being Negro slaves. It will be no child's play to fight the Yankees, I tell you. If they do not invade this very state before the end, I shall be surprised. So I decline to shoot at a paper effigy of Lincoln as my part of this war. I renew my motion to the Company, which I have made before. Let us immediately tender this Company into the regular services of the Confederate States of America."

Wade's speech drew handclaps from Print and his friend, Frank Condron. "That's the way we feel!" they called out. "If we're a goin' to fight 'em, let's get at it!"

Now Captain Middleton stepped into the breach, taking the initiative away from the young men on the grass. He spoke of the war, its possible length, the Rights of Man, Private Property, of horses and slaves. He spoke pointedly of a "soldier's duty," what was owed a commanding officer by his first officer, a pointed reference to Wade's refusal to waste lead on a paper effigy when a real war was in view. The Captain's well-chosen remarks drew great applause from the group. Then father Marmaduke Gardner walked slowly to the center of the group, his head down as though pondering a great problem. His presence in the group was justified by his service in the Mexican War, and he now asked the Captain's permission to speak. Middleton quickly nodded.

Gardner made reference to Frederick Wade's remarks, testing his ground carefully as he spoke. Finding no immediate opposition

from the group, he commenced to build support for Captain Middleton's point of view.

"My young friend, the first lieutenant, is not well informed," he stated. "Everybody knows that a Southern Man's the equivalent of ten Yankees, so what if we are outnumbered? And his assertion that a northern army could invade the South—invade Texas, of all places!—is ridiculous. Why should they come here? Why, I would take my old bull's leg rifle and kill ten Yankees every morning for breakfast, should I ever catch a damn Yankee down here!"

There was more, much more, along the same line from the old fireeater. When he sat down he was exhausted and the Volunteers rose from the ground stamping and whistling. It had been one of Williamson County's greatest speeches.

But it settled nothing. The following morning, Wade led eighteen of the Volunteers to San Antonio where they joined up with Captain Charley Buckholt's company of Volunteers for Confederate Army service.<sup>3</sup> Print and Frank remained for the time being, chafing under the yoke of duty to their respective families. But they had been promised when the ranch work was finished that summer, they too could go.

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Following the other boys' departure with Lieutenant Wade, Print's anxiety became greater. "We'll not get a peek-in at this war," he told Frank. His friend felt the same, but when the farm work was completed and they were obliged to wait an extra few weeks for another event, Frank it was who complained most. The second event upon which they waited was the birth of a dark-eyed new Olive boy, on August 15th. Julia Ann named him Marion.

A few days after her son's birth, Julia sent for Print. It was on the hour of his departure, and he had hoped that his casual goodbye of that early morning would suffice. Now as his father and friends waited for him at the corrals, he walked to the house to bid goodbye to his mother. He came to Julia's bedside awkwardly, dreading the ordeal, for the Olives though a loving family were undemonstrative in their work-a-day life. Now his mother, not usually reflecting any outward emotion, was visibly affected by his departure to the war. Print went first to the tiny, dark-haired baby, putting his face along-

side the baby's soft skin and nuzzling its ear with his lips. He felt a shiver go up his spine as his mother's strong fingers ran through his long, straight hair.

"Prentice," she whispered to him softly, "you'll be leaving us now?" He nodded his head beside her. She stroked his locks, smoothing the black bristles that stood out away from his forehead at the hairline of his widow's peak. His mother turned his head, so that he must look directly at her. Then she spoke.

"You have always been a good boy at home, son. You are so thoughtful and helpful to others. Now you must go among rough strangers. You will all be without the good influence of your women-folk. So you must be careful, my son. Everyone becomes a part of that which he meets in life. You understand?"

Print nodded, dropping his eyes.

"It is up to you to try to meet and be with the better men and boys, to be good. So do naught away from home that you would not do here. Be brave—and keep your hopes; always cling to your hopes, for without hope you are lost. If it is written that you must die, then die like the great oaks, from the top down. But always keep your roots planted in God, in His Great Spirit."

His mother was weeping softly now, and it was all Print could do to remain at her bedside so great was his anguish at her suffering.

"I shall pray each day for help to guide you and Frank—and the other boys with you." She pulled Print's head down to her own and held him closely, rocking him to and fro as with a baby. Soon the baby released a cry, and the mother turned reluctantly from her eldest son to her youngest.

Print brushed his mother's cheek with a farewell kiss. His sickness was so great that he now felt that he should never have planned to leave on his war-making mission, should never flee these kindly arms. For, he asked himself, if such pain resulted from men leaving their peaceful homes to make war on one another, what comparable good, or pleasure, could possibly result from it?

Frank was waiting at the corrals. He had mounted his bay gelding and his blonde hair now hung down around his shoulders, contrasting with Print's dark locks. Jim Olive handed his son the reins to his saddlehorse. "There are a few things I'd like to say before you

leave, Print," he said, taking him aside. Print fervently hoped that it would be less difficult saying goodbye to his father than to his mother.

"It isn't easy for a man to tell his son goodbye and see him leave for war," his father said matter-of-factly. "We'll keep a place for you here at home, son—no matter when you get back. We'll make an equal cut of the gather for you." His father blew lustily into his bandanna. "Don't take any foolish risks. Here at home you've been the leader, had to go ahead all the time. But there you'll be with other men. Let them help you, don't take all the chances yourself. Don't try to do God's work for him. You'll have enough trouble keepin' your own hoss in the race. But do your duty. Don't worry about me and the girls and your mother. We'll manage, even if Jay has to go, too." His father took Print's hand. It had been a long speech for Jim Olive. Then they returned to the group.

"Send me a pair of them Yankee ears!" laughed Jay.

"Better hobble Old Buck nights," Ira advised, smiling. It was a reference to a night when Print had walked back home from a cow hunt, when Old Buck had slipped his bridle and returned without him. Print gathered six-year-old brother Bobby in his arms and kissed him. He felt now how much he loved this tiny, grinning brother.

"You take good care of mama and papa, Bobby," Print told him, then handed the boy to his father when he sent up a wail.

"There, there now," Jim Olive comforted the boy, "Print'll be back now just any time, just any time."

Frank and Print turned their mounts eastward out of the ranch yard, toward the village of Lexington where the Volunteer rendezvous would be held. The following morning they reported to their commanding officer, Lieutenant N. L. McGinnis, Company H, 2nd Texas Infantry Regiment.



## Chapter IV

"Halt!"

Print stood immobile, his arms out from his side in the position he had been walking while coming up the railroad grade. He was looking directly down the bore of the sentry's rifle.

"Walk up the grade. Don't try any funny stuff or I'll blow you to Kingdom Come," the infantry soldier said.

"All right," Print replied. "Just be careful—I'm a Confederate soldier, too!" He walked up the grade from the bridge and stood between the tracks. On the other side of the railway grade was a camp. The sentry signaled, and two others joined him, one a captain and the other a sergeant.

"Look what I drug up," the sentry said proudly.

"What outfit you with?" the captain asked.

"Second Texas Infantry," Print answered. "Just coming away from Vicksburg. Been three days on the road, had to build a raft to cross the river." He fished in his pocket for his Parole Slip, handing it to the Confederate captain. The officer read aloud:

VICKSBURG, MISSISSIPPI,

July 7th, 1863

TO ALL WHOM IT MAY CONCERN, KNOW YE  
THAT:

I, Isom P. Olive, a Private of Company H, Regiment 2nd Texas Volunteers, C.S.A., being a Prisoner of War in the hands of the United States Forces, in virtue of the capitulation of the City of Vicksburg and its garrison, by Lieut. Gen. John C. Pemberton, C.S.A., Commanding on the 4th Day of July, 1863, do in pursuance of the terms of said capitulation give this my solemn parole under oath—

"This is the first of these I've seen," the Captain said, waving the note before his first sergeant. He continued to read as Print stood

nervously before him, the sentry's rifle muzzle still pointed at his head.

That I will not take up arms against the United States, nor serve in any military police, or constabulary force in any Fort, Garrison or field work, held by the Confederate States of America against the United States of America, nor as guard of prisoners, depots or stores, nor discharge any duties usually performed by Officers or soldiers, against the United States of America, until duly exchanged by the proper authorities.

Sworn and subscribed before me at Vicksburg, Mississippi, this 7th day of July, 1863.

Geo. W. Goddard,

Capt., Co. C, 31st

Regt. Illinois Vols.<sup>1</sup>

"This your signature—I. P. Olive?" the captain asked, turning the paper to Print.

"Yes sir," Print responded. "It's a little shaky but it's my name."

"Well, according to this you prisoners aren't going to be of any use to the Confederacy any longer. Where's your home—in Texas?"

"Yes, in Williamson County."

The captain turned to the sentry. "Well, take that damned gun off this soldier. We'll be seeing a lot more of these men coming this way and I don't want any of them accidentally shot." He turned to Print. "Come over to our company and I'll see that you get fed. You look like you're all in."

Print stayed with the Infantry company for a few days, then received notice that they would march west. The captain, Smith, agreed to let several of the Vicksburg prisoners march and mess with his columns. The outfit was a part of "Walker's Greyhounds," as they were called.<sup>2</sup>

From this location on the Tensas River they took cars to Monroe, Louisiana, on July 14th. By hard marching they reached Vernon on July 22nd and Campiti on the 26th. While the Greyhounds camped at Grand Ecore for a short rest, on July 28th Print and two companions set off for Texas. They were happy to leave

Smith's company. For the commander told them that in less than a hundred days of campaigning his company had marched 650 miles, meeting with the enemy only twice in that length of time. In that much marching over a two year period, Print recalled that his own regiment had fought the battles of Shiloh, Iuka, Farmington, and Vicksburg, and had met the enemy in a dozen minor skirmishes. He was glad it was over. With a blanket roll on his back, dressed in a slouch hat, a cotton shirt and underwear, and wearing a pair of captured sky-blue kersey trousers, he set off across the coastal plains for Galveston, where he had heard the Regiment would meet and re-form its ranks. There was talk of duties that could be performed without violation of their paroles and many of the men, footloose and with no other place to go, made the decision to see the old 2nd Texas Infantry Regiment through until the war's end.

The middle of August, Print and three other paroled soldiers of the 2nd Texas reached Galveston. They went immediately to the cotton compresses where the ranks of the Regiment were in the process of re-forming, reporting to Major McGinnis. McGinnis was with Colonel Ashbel Smith, and both officers expressed great pleasure at the return of the small group, for there had been many desertions, the men simply walking on home following the fall of the city of Vicksburg, their future protected by the parole slips in their pockets.

While the regiment awaited the stragglers, they set up their camp, outfitted the men as best they could with new issue clothing. For the first time since its wartime organization, the 2nd Texas Infantry Regiment looked forward to a period of peace. The regiment was ordered to guard duty on the docks and supervised unloading operations in the port city. With extra time on their hands, the men now reminisced over the past two years and the hard service they had seen. Upper-most in their minds was the initial combat action they had seen at Shiloh, where they caught Grant's men, backs to the Tennessee River, and drove them back upon Pittsburg Landing.

The first assault in the early morning that Sunday of April 6th was their first clash with the bluecoats, and they drove them reeling back from their camps across Lick and Dill creeks. The greater

part of Print's remembrance of that day was the painful hip wound he received from a minie ball that night as they lay on their arms on the south bank of Dill Creek, when the day's fighting was supposed to be over. He recalled the blinded artilleryman who sustained his weight in the retreating column down the Bark Road in return for his visual guidance.

Driving the Yankees from their comfortable camp in the surprise of the morning was the entire glory of the day; trying to hold their advanced position while riverboats unloaded ten thousand fresh troops against them that night was another matter. As the fresh bluecoats drove south the following morning, killing everything before them, the Southern hopes had collapsed. Now in the dawn they retreated, first back to that bloody pond where they washed wounds and drank from the same bloody waters, then that night down the muddy trench of a road that led to Corinth and, they hoped, safety. At dark a cold, drizzling rain began to fall upon their retreating columns. Many of the men, Print remembered, like himself had staggered along with a broken arm dangling uselessly or with fearful face and body wounds. All the while behind them resounded the distant rumble of Union artillery and the flares thrown up over the end of their column to expose them to the light artillery that followed at a distance, playing their pieces upon their exhausted rear guard.

To add to this tempest of human desolation, witnessed by Print and his comrades, and to the spent passion of eighty thousand hate-filled men, the rain of the night turned to hailstones an inch across. The storm raged for three unrelenting hours as the weary, stricken men staggered along in blood-soaked uniforms down the old Corinth freight road that was now a muddy trench. They carried their wounded as best they could, piled high, like cordwood, on the regimental baggage wagons and salvaged gun caissons. A third of their men who had entered the conflict had been killed or wounded. Some 300 men died on that awful twenty-six-mile retreat to Corinth, among them the blinded man Print led by the hand for the support he provided his wounded thigh. It was a night filled with terror as the defeated army limped along the road in half-shock, awed by the catastrophe that had overwhelmed them.

In the barracks at the cotton compresses on Galveston island, Print later told his friends, "That taught me a lesson. I'd walk a mile around a blue coat hanging over a tree stump, after Shiloh!" Though they would laugh at his joke, all knew exactly what he meant. They had learned the hard way that no soldier, whatever his qualifications of birth and geographical location, could whip any other ten soldiers, however low-born or insignificant they might seem.

The 2nd Texas Infantry troops had felt that after Shiloh nothing could be as bad. They had engaged in small pitched battles at both Farmington and Iuka following the blood-bath at Shiloh. Once, caught at the tail end of the column at a river crossing, Print had seen a hard and bitter fight at a bridge over the Tallahatchie River. They had stopped the bluecoats, this tiny rear guard, but only after suffering severe losses. And they had given the Yankees a hard fight for it when they vacated the city of Corinth. But the most savage fight of their regimental lives was yet to come—the second battle of Corinth.

Frank Condron had told Print after Shiloh, "I aint no mo' scared them Yankees than you, but looks like we fix'n to get killed if we get in another ruckus like thet!" Print agreed. Frank had been wounded at Shiloh. His chest wounds had hardly healed when he rejoined the regiment just before the Corinth battle. Print had been assigned to the Regimental Teamsters. It was a better life, he thought, than that as an infantry rifleman. His hunger for animals was again filled by the four black geldings issued to his care. Though the hard marches kept his teams thin, he would forage every evening on his own time to see that they had something to eat. He saw others' teams weaken and die, but he managed to keep his own teams in service, a great pride to him. Lieutenant McGinnis also watched and approved his work. He would have preferred Print back with H Company, but the Teamsters' officers spoke so highly of his service with them that McGinnis left him on the detached service list. And it was from atop a supply wagon, on a slope overlooking the battlefield at Corinth, that Print saw fifty percent of the remaining troops of his Regiment washed away by fire and shell from the face of the slope up which they climbed to attempt the assault of the fortified city: Through his field glasses he watched

their Colonel Rogers in as noble an exhibition of daring as ever took place in any war, watched him carry the Stars and Bars across the walls and into the city. But he also helped pick from the *abatis* prongs and thorns the scores of bodies of his friends and comrades who died in the assault under the 4-pound James rifles, double-shotted, firing grape and canister and pouring tons of iron down onto the approaching Confederate ranks. These great artillery batteries tore wide holes among the troops, turning their grand advance into a terrible rout. Colonel Rogers and scores of his officers and thousands of their men perished in the assault. That November, the Regiment, now reduced from 1,300 to only 250 men, retreated to Abbeville. At Coffeeville the townswomen aided the starving troops, gave them food and clothing. By December they had reached Grenada, Mississippi.

At Grenada they drew full rations, were again outfitted from the skin out and President Jefferson Davis spoke to them. "Other troops have a reputation to gain," he told the Texas men. "But you soldiers of the 2nd Texas Infantry Regiment have a reputation to sustain." It was now Christmas and the Regiment was sent on cars to Vicksburg. There, on the low, swampy shelf on the east bank of the Yazoo River they took up positions below Chickasaw Bluffs. There they again met the hated Yankee general, Sherman. And again they gave him a whipping, beating his army back onto the transports upon which they had come up the river to assault the city, making him wire his superior, General Grant, "I reached Vicksburg at the appointed time, landed, assaulted and failed."

After this short but bloody engagement at which they lost their beloved leader Lieutenant Colonel Timmins, the Texas troops camped and rested, made a quick march to Fort Pemberton up the river, and then returned to a camp at Warrenton, a village south of Vicksburg. Here it was, that Sunday of May 17, 1863 they first heard Grant's guns to the east as he fought the battle of Big Black river, forcing his way westward from the captured city of Jackson to gain an approach to Vicksburg from the land side on the east. That night late, the Texas regiment struck camp and moved into the fortified city of Vicksburg under orders to aid in its defense. Print recalled how he rode high on the seat of his supply wagon

behind the Regimental flag emblazoned with the names "Shiloh, Farmington, Iuka, Corinth." Soon the name "Vicksburg" would be emblazoned along with the rest. It was a proud moment for the young Texas cowboy, and he felt that with the strength of his regiment and the others, the hated Yankee would never set foot within the city's limits.<sup>3</sup>

Print's regiment was assigned the important sector of the defense line that lay on the Baldwin Ferry Road, leading into the city from the east. On this road, General Pemberton had established a fort which protruded out ahead of the main defense line. It was called The 2nd Texas Lunette and there, for forty days and nights, the Texas soldiers, supported by a battery of light artillery, turned back two grand assaults of the Union army. At this point, during that great assault of May 22, a special act of heroism on the part of a single Union flag-bearer convinced Print, as it did others, that the Confederate cause was lost. With all his supporting infantry troops shot down around him, this brave man, Cpl. Thomas J. Higgins, continued his slow walk across a field of dead men, up onto the breastworks and rifle pits of the fort and planted his unit's colors directly over the heads of the defending Texas troops. He was captured, of course. He could have been killed by any one of a hundred Texas men who trained their guns upon him. But as the hardy flag-bearer for the Illinois regiment walked steady into the Confederate lines, his comrades in death all around him, a Texas infantry captain shouted above the din, "Don't shoot that man. He's too brave to die!"

Print, with the others, held their fire. As the soldier came over the parapet, the Texas captain exclaimed, "My God, man, you must be wearing a bullet-proof vest!" The Yankee flag-bearer, a Union minie-ball in his buttox, replied, "Not by a damned sight! If I had one, I would wear it over my ass!"<sup>4</sup>

This act of heroism drove home to Print the reality of the war. There were too many men like this from the North; they, too, were brave men; they were better equipped; their morale was higher because their cause appealed to more men. He had observed in his ranks the Texas soldiers' reaction to what they called the "Twenty-nigger Law." This piece of legislation exempted the overseers of

more than twenty Negro slaves from the army. It had been enacted, of course, to help in turning cotton production to food production for the starving people of the South and to feed their armies in the field. But it had only pointed up, to the non-slave owners in the army rank and file, the impossibility of a slave system conducting a modern war. And it had been responsible for more desertions in their ranks than any action of the enemy. When the Yankee captain had pushed the Parole slip across the desk, ordering Print to sign it, he had the impulse to do like Frank Condron and some of the others, refuse and go into the Prisoner of War Camp at Demopolis. But he had heard of Andersonville and some of the other prison camps. There seemed only the one thing to do, sign with the others and take himself out of the war honorably, maybe live to fight the Yankee somewhere else at another time.

Now, back in Galveston with the remnants of the Regiment, taking up interior guard duty and supervising the loading and unloading of ships, he was not sure he had done the right thing. Boredom was the "Order of the Day" as the men expressed it. Madame Ennui sat heavily upon every man's lap, day after day, week after week, month after month. Finally, a full year had passed. Still, in the east the armies kept marching ponderously back and forth across the land, pillaging, burning, destroying, killing, and creating greater debt and greater danger for the Union. The men of the 2nd Texas Infantry, snug in the old compresses at Galveston, read of the battles—The Wilderness, Spotsylvania, Cold Harbor, Petersburg, Atlanta, Sherman's march to the seacoast, the great Union Cavalry raids through Alabama and Mississippi, the battle of Five Forks, the evacuation of Petersburg, and Lee's surrender at Appomattox. Then came the Great Silence. It was over.

But there was no rejoicing in the South, nor in Texas, nor among the troops of the 2nd Texas Infantry at Galveston. Quietly the men packed their gear, turned in their army equipment, holding out only revolvers and food. Print turned in his team to the Quartermaster, kept his side arms. The war, he felt, had been over for himself for nearly two years.

The Confederate armies broke up and went home. Print commenced the long walk back to Williamson county.



## PART II

“There has been a taste for battle  
'Mongst the men who follow cattle.”

—BADGER CLARK



## Chapter V

All soldiers find a wide bridge of adjustment to cross before they can be home again safely in the warmth of their family. It was no different with Prentice Olive. His father, bowed by the weight of his sixty-one years, had stepped back to let Jay and Ira take on the duties of the ranch management. Jay, now 23, was in Print's own image, slightly heavier than his finely drawn older brother, a bit slower in speech, but both mentally and physically akin. Ira, now 18, was more distant, a little self-conscious to this soldier-stranger. Ira had always spoken with a slight stutter when excited or confused, and noting this old tendency unconquered by his younger brother, Print instantly warmed up to help him overcome his shyness. But for the long needed affection and the deeper understanding, Print turned to sister Betty. She had lost her husband, George Wynn, in the war. He had died in a Yankee prison in Kansas City. Betty had returned to live with her folks. Betty was mature enough now to realize how deeply her brother, too, had been scarred by the war. The idle months at Galveston, drinking, gambling, girl-chasing, had marked him for the worse, and Betty saw the need to change it by bringing him back fully into the loving arms of the family circle, to reacquaint him with the neighborhood girls, and to show their need for his leadership again.

To Print, mother Julia Ann had not changed perceptibly. She still retained her graceful carriage, walking dignified and straight, with her chin tilted just a little higher than any of the Olives. Her hair was still coal black, and made into a tight bun at her neck. In her arms she bore the new baby girl, Isabella, now just short of being three years old.

But these children! Here, indeed, were strangers to Print! Marion, now four, peeking out from behind his mother's skirts at this thin, dark stranger who had come into their midst and was being

so royally welcomed; the wide-eyed baby, Isabella; Bobby, now 11, standing as close to Print's side as possible, an arm around his big brother's waist; and Betty's son Allen, just Bobby's age, and his baby sister, Texana, a family favorite at just five years of age. In these youngsters Print would find his first real comfort and escape from the bitter and tragic memories of war that continued to haunt him. To their frank inquiries, as children make of old soldiers, he would create gay little tales and grotesque fibs that allayed in their childish minds the reality of war and brought entertainment instead. And as he told and retold these innocent tales, the great war receded in his own mind and the horrors of the battlefields became only as pictures from out of a book.

With the men of the family there was no talk of war—just talk of cattle. His father took him to the brushy thickets on West Yegua Creek, then west until they turned northeast at Dry Brushy Creek. For five hours they rode in heavy brush, across openings where the prairie sedge grass was a foot high, into motts of post oak trees, and through large groves of hardwood trees that seemed to reach to the heavens. Jim Olive had suggested to Print that they "count cattle," always an interesting pastime to a cattle owner. In the old days it had been quite easy to count to a hundred cattle, tie a knot in a saddle string to mark the count and go on to another hundred. This day, before they reached the banks of the Yegua, Print had tied four knots in his saddle string. At Dry Brushy he had tied 26 knots; before they reached home, he had tied his fortieth knot.

"By Blood! father," Print exclaimed. "If I had not seen it with my own eyes, I wouldn't have believed it!" They had seen within a few miles of their own ranch home, and counted, more than 4,000 longhorn cattle of the brush, only a handful of which had been branded and claimed by anyone!

"Print, we have several thousand branded under my brand, the old L.B. You'll share and share alike with the rest of us. But there's thousands more to be branded and claimed. And the country's aboundin' in thieves. Since the war, the Breshy is overrun with 'em. There's deserters from both armies, there's bummers of all kinds, there's renegades and scalawags 'til hell won't have 'em. It'll take a

heap of watchin', for down at Austin these scalawags got the Union folks believin' that they're loyal and faithful subjects of their'n." Jim Olive spit on the ground. "Makes me sick!"

Jay nodded. "What father says is true, Print. These fellows are tough, too—professionals, gunmen. They'll run off a hundred head right while we're a' watchin' them."<sup>1</sup>

"How many head we got—already branded?" Print asked.

"Near four thousand head," Jay answered. "We sell the old bulls to tallow men, stag the younger ones. All the bull calves by their mother side have been cut."

Print nodded. There was a smoky light gleaming in his eyes. In Vicksburg he had watched civilians pay seven silver dollars for a small cut of beef roast—when they could get it. He knew that following the war there would be a great demand for beef in eastern cities. A man with an opportunity like this could become as rich as his tastes dictated, he told himself, and he could make his family all rich along with himself. It was as though the Almighty had marked him as a new Jacob, was sending him on to the modern equivalent of a new Haran. His father had often said, in years of drought and scarcity, "The man that's got the money is the bee that sips the honey." I'm beginning to learn, Print told himself. To the others he said, "We'll keep right on branding cattle. We'll mark every damned cow in the country that's got a pair of horns and a tail. As for the rustlers, I know a way to discourage them." He patted the six-shooter that always hung at his hip.

As his father and the other boys slapped him on the back and shoulders, Print felt the great pride of leadership. They had greeted him as their brother and son. Now they had conferred on him the title of leader of their clan again. Life would be much as it had been in the peaceful and happy years before the war, he thought.

Only this time, the riches pouring in from the cattle business would make them all free and prosperous families.

Print undertook to acquaint himself with the neighborhood folk, some new to the region, others who had suddenly occupied a place of importance in their family to which he must pay homage. There was, for example, Jay's wife, the former Elmira Gardner, daughter of Father Marmaduke Gardner who had so underestimated the

Union soldier. The couple had married in September, 1865 at Bastrop. Print had failed to attend the marriage, as he had been on a cattle drive to the Gulf Coast at the time. Now he paid his sister-in-law a visit at Jay's home in the Post Oak region, southwest of the Lawrence Chapel; and he liked her. Miria, as the family called her, admired Print and, like Jay, looked toward him for leadership. Print, in turn, felt a great respect and affection for this comely girl his brother had chosen.

A few days later Print visited at Frank Condron's new log home, meeting Frank's lovely wife, Mary. The two young men had become separated at Vicksburg, not meeting again until after the war. When the city fell, Frank was taken from the 2nd General Hospital a prisoner and sent to the Prisoner of War camp at Demopolis, Alabama, was paroled, then was discharged under orders from Maj. Gen. Magruder in January 1864. Frank walked into the bedroom and came back with his Discharge Certificate. It was the first one Print had ever seen!<sup>2</sup>

Print and Frank paid a visit to Frederick Wade, old friend of their army days. The three young men reminisced until dark. When Wade first arrived in the Olive Community he had taught school. Both Print and Frank, though big boys, had attended his school. Now Wade talked of the earlier days, of his war service with Sibley's Brigade in New Mexico and with Tom Green's Brigade in Louisiana. Wade recalled the terrible retreat from New Mexico through the Magdalena Mountains, and told of his cavalry service in Louisiana. Like his friends, he had been captured by the Yankees, imprisoned, paroled, and released. As the three young friends talked over their experiences, with the help of corncob pipes and a small jug of corn whiskey, Print realized that somewhere among the bitter marches and battles of the war and the unhappy peace that had come to them, Frank Condron had stepped out of his life as best friend. While Wade was like Print, ambitious and energetic, willing to try again to rebuild a better life, Frank now lived in the past, morose, diffident, and argumentative. The war had killed something in him, prison life dulling his once ebullient and likeable nature. The scars were more terrible to see as Print recalled the golden-haired, bright faced young man who had ridden away so

hopefully that autumn morning of 1861. Now that the basis of their warm and close friendship of the war days was gone, Print felt a deeper remorse at the loss he had sustained in the tempest of the war and the manner in which Frank had been affected. For Print found it difficult to develop new friends to replace old friends, and strangers warmed to him slowly.

Other young men were drifting back to the community. William Thomas Smith, who had "walked with bloody feet through the battle of Murfreesboro," was one. He spoke of drifting on to Brazil with other ex-soldiers. An assist from Print in the form of a job on the cow hunts changed young Tom Smith's attitude. Soon the young cowboy became enamoured of Alice, Print's pretty sister. Before long the happy couple were married. And Tom settled down for good.

Betty was now a war widow, and she brought her children, Allen and Texana, to live at her father's ranch. Print had now fully accepted the challenge of leadership of the clan. He hired a young ex-cavalryman, Jim Whitehead, whom he admired. Jim was firm but fair with the men, a top hand with either livestock or six-gun. Print made Jim his foreman. He also hired the tall, spare Negro, "Nigger Jim" Kelly, who had returned from west Texas, and gave him the horsebreaking to do. Jim was a peerless horse trainer, and if the Olives rode the finest horses, which they did, the credit fell to the lanky Jim Kelly who broke and trained them. There was no *matadura* in the Olive remuda, and no fistula went uncared for with "Nigger Jim" around. Jim was a negro without fear or shame, and looked all men in the eyes as equals. He was a good worker, dependable, whether running cattle in the brush or gentling saddlehorses for the remudas. Print admired his disciplined sense of equality and pride of race. And Jim became young Bob's tutor in all things pertaining to the ranch work—bronc riding, roping, horse training, and the use of the six-shooter.

\* Print was drawn to the brushy thickets and the open, grassy areas among the motts and bosques where the longhorned cattle ranged. Never had he seen so many mavericks. The wild cattle were big, weighting from 1,000 to 1,500 pounds when fat, their horns reaching six feet or more in width and achieving almost every

curvature. Sometimes a cow could be seen whose antlers stood almost straight up, disguising her among the tree branches. Again one would be found with a twisted or broken horn curved into a circle, its owner gazing through it with one eye, much as a society dowager would appear with her lorgnette. The cattle ranged in colors like the spectrum of the rainbow, reminding the men that it had been the Indian word for rainbow by which the longhorns had been called by the red men. In the herds, the colors seemed to run to a washed-out orange in color, but among the individual animals could be seen the bays and browns, with lighter points, the duns, the slate and mouse-colored steers, the blue cows and black bulls and white, red, wine-colored animals, the speckled ones and the streaked ones, the light horns with dark tips and the darker horns with light tips. No color could be announced by one of the children without a corresponding color soon being seen among the wild cattle, a game that Print had learned as a child and which was still played among the children. One big steer, staggled when he was a four-year old, was left in the Olive herds for several years and grew out to a mature 1,600 pounds. He was a *rojo*, a red steer; but on his left side was a large and perfect LB, a pattern not made with the hot iron but with the perfectly white hairs of natural growth on the red background. The Olive brand had been carefully burned on the two hips of the animal, leaving the showy white brand to be seen from almost any distance the steer was visible.

It took a big and strong catch pen to work such animals, to brand them, castrate them, and pen them nights while gentling them for the trail drives. And while James Olive had a good sized ranch, the family was growing.

"We'll need more land," Print told his father one morning, shortly after he had returned. "Jay and I have been talking and what we think should be done is to build some large pens north on the prairie, up where they may build the new railroad. But we also need more land here on the creek, a larger place to work these cattle. There's thousands of head of unbranded cattle within a day's ride of here—a fortune for men who will ride for them—"

"Don't forget the rustlers on Yegua, and down at the Knobs," his father warned. Print patted his revolver.



"We can take care of that."

Print was down on his knees in the corral dust, drawing designs with a stick. Jim Olive squatted on his hams beside his sons.

"We can put the catch pens here, on that high area north of the Georgetown Road. We'll build her strong, bull strong horse high, and hog tight. It'll be dry up there in all weather. We'll sink a well and build a ranchhouse so we can spend time there. We can water cattle on the Brushy, or put in a reservoir at the base of the hill."<sup>3</sup>

Jim Olive considered the idea thoughtfully.

"You boys go ahead, work it out. . . but God he'p you if you ever get as rich as Print thinks you can be!"

The Olive boys grinned. "We'll take all we can get, won't we Jay?" Print laughed. Jay nodded vigorously.

"If you want land here on the Brushy, go see Ad Lawrence," Jim Olive told them. "Ad told me t'other day that he stepped out of his house and saw seven smokes going up in the air from other cabins, womenfolk cookin' their family breakfast. Ad says, 'Jim, that's too damn many people in one place for me. Gettin' so a body can't find elbow room anymore. I'm leavin' for Californay.' So you boys go talk to Ad. He'll sell you land in the Simon Miller Tract an' take cattle for pay. It's good grazing land and well-sheltered for winter."

Print suddenly felt a wild, free sensation run through him, like the feel of running wild cattle through the brush, plunging through the mesquite and around the clumps of spine-studded prickly pear. Many nights in the army camps, around the campfire, and while on picket duty, he had dreamed of owning a fine cattle ranch along the Brushy, or being a successful drover like the Snyder Brothers from Georgetown had been, supplying the Confederate commissary during the war years. On the many forced night marches, when they had retreated before the massive Union armies, harassed by Union cavalry, he had fully realized the essential difference between the man who bestrides a fine horse and the clod who clumps along the roadside weary and footsore and sick with fear. He could trace these dreams back to the cow-hunting camps of his youth when, as a small boy, he had ridden the bell mare. It must have been then, he reasoned, that he first decided to be a cattle *raiser*, not just a market man, buying and selling like the scalpers he had watched at the

Louisiana market. And to *raise* cattle meant that he needed land, grassy, brushy cattle land.

“C’mon, Jay,” Print said decisively, arising and taking the reins of his black horse, “we’re ridin’ over to Uncle Ad’s place!”

## Chapter VI

Uncle Ad Lawrence was sitting on the gallery with Aunt Sarah beside him, both enjoying a cool glass of apple cider when the Olive brothers rode up. Aunt Sarah immediately arose from her rocking chair, greeted them, placing tall glasses of the refreshing liquid in their hands. Print came to the point at once, inquiring of the elderly pioneer about his plan to leave for California. Uncle Ad answered in the affirmative.

"Print, it's gettin' so crowdy here a body cain't find a place to go stand in the sun no more," he told them. "Saray n' I are sho' fixin' to go to Californay. Our land is sho'nuff for sale."

Within an hour Print and Jay had bargained for a thousand acres of the Brushy Creek land, south and west from their father's holdings. They agreed to deliver one trail-broke cow or steer for each acre of land, as well as including twenty grade herd bulls in the trade.

Within two weeks the Olive cowboys had gathered the cattle. Some escaped; Uncle Ad turned down a few more for one reason or another. When the settlement was concluded the remainder, 955 head, were moved north from Brushy creek and held on the prairie at the location Print planned to put the big pens, northwest of the Olive community. In return for the cattle, Ad Lawrence deeded 955 acres of the old Simon Miller Tract, the land originally gained from the empresario, Robertson, by Lawrence's father-in-law. The money value was \$1,910.00. "Not too high a price for good bottom land, two dollars an acre," said Jim Olive. The land sale put Jay and Print fully into the cattle business on their own feet. It started Uncle Ad and Aunt Sarah Lawrence on an impossible trek to California.<sup>1</sup>

As the additional thousand acres of brushy bottom land was added to the Olive cattle operations, more and more evidence of the cattle rustlers appeared. The thieves of the Knobs, Yegua, and Dry Brushy

areas were affiliated in the loosely-drawn organization which stole cattle and horses on the Brushy Creek area, moved them by fast night drives along an "underground route" southward, and soon had them in the markets on the Gulf Coast or safely across the line in Mexico. Horses were brought north along the same route, frequently ending up as far as the Loup river and Niobrara country in Nebraska. On an afternoon while riding for cattle, Print and one of his cowboys whom they called Bumpus came on to a herd of cattle being driven southeast down the Yegua Creek bottom. There were at least a hundred head in the herd and Print quickly observed that no less than a third of the herd bore the Olive brand, LB. Touching up his horse with his spurs he cantered ahead until he came alongside a young man at the drag of the herd, riding a spotted horse.

"That's a nice bunch of cattle you've got there," Print remarked to the young cowboy. "Where you taking them?"

"South to Hogeys," the driver said. Print observed that the young man carried his left hand near the butt of his revolver which he carried cavalry style, butt forward, on the left side of his body.

"A lot of them carrying Olive brands, I see," Print observed. "You buy them from Olives?"

"I didn't buy them from anybody," the driver replied, "I'm just helpin' to move them." He looked insolently at Print. "I caint see it's any of your business, mister, where we got them or where we goin' with 'em."

At that moment Bumpus rode up at a gallop behind them, shouting to Print, "Print—you'd better keep an eye—"

As though acting on a signal, both Print and the young cowboy driving the herd drew their guns and fired point blank at each other. Bumpus joined in the shooting as soon as he regained control of his pitching mount which had become frightened at the noise. The stranger dropped from his saddle to the ground, a bullet in his shoulder and another in his chest. Another herder at the far side of the herd had departed through the brush—fast. Print looked at Bumpus.

"You hurt?" Bumpus shook his head. The two men stepped down from their saddles. The young rider was laying on the ground, face down, moaning. Print turned him over.

"Am I goin' to live?" the cowboy asked.

"You'll live," Print answered. "Only the good die young. What's your name?"

"Rob Murday," the fellow answered. "What's yours?"

"Print Olive. And by God I own these cattle you're driving. You got anything to say for yourself?"

"Really, them your cattle?" The young man tried to pull himself to one elbow. "By God, I swear I wasn't stealing them cows—I was hired to move them. That fellow—Turner—said them was his cows, that he bought them." Print was working to stay the flow of blood coming from the chest wound.

"Lay back and be quiet. We'll talk about cow stealin' later," Print said. The young man groaned an answer. Print dispatched Bumpus to the Shiloh Crossroads and when he returned with a spring wagon hauled the young man to Dr. Doak at Lexington. The doctor extracted one bullet, bound up the wounds, advised Print to leave Murday at his home in Lexington for a few days until he could ride. "I'll send him back to you," he said.

A week later Murday came to the Olive ranch. He protested vehemently when called a cow thief. Print heard him out, reasoned that had he not been innocent he would have cleared out without more ado, promptly hired him, and let him convalesce at the ranch.

Print was thankful that Murday had lived. For a few weeks earlier he had been introduced to a charming young lady whom his sister Alice had wanted Print to meet. Her name was Louisa Reno, an orphan of the war who had lived with her grandfather and a sister on Brushy Creek. Print saw much in Louisa to admire, and his admiration was reciprocated. So he wanted no legal complications resulting from the Murday shooting to interfere with his courtship.

Louisa Reno was a bright and charming girl, tall, rather large but well-proportioned, serious, and talented in music and painting. With her, Print soon found his neglected social life again reactivated. Always a sociable person by nature, he had missed the festivities that had been so much a part of his life and the community life prior to the war. Again dances, socials, picnics, and the regular church meetings entered into his life, and their home became the gathering point for social activities.

Upon his return from the service, Print had grown a full beard and let his hair grow long again as did so many men on the cow hunts. The day he was to have it shaved off and his locks trimmed, he stepped into a Georgetown photographer's studio and had a full face portrait made before the barber removed the beard. The resulting image showed a youthful appearing man with a round, child-like face but peering from a full, black beard. When Louisa afterward requested a photograph of himself, Print carefully gift-wrapped the imposing portrait and made her a formal presentation. Louisa appreciated the joke, but placed the portrait in the parlor in a gilded frame where it hung for many years, always referred to by the family as "that bearded man in the parlor."

Louisa set their wedding day for February 4, 1866. Fate intervened with a subpoena to court, where Print was to appear before a Grand Jury inquiry into the "assault with intent to kill and murder" of Rob Murday. The wedding date was moved ahead until August. Then came a postponement of the inquiry, until January 1867. So the lovers kept their earlier date and were married at the Lawrence Chapel in the Olive Community, making an event that attracted scores of neighbors and friends for miles around.

Print's marriage softened, to a degree, the iron of his nature that had been moulded by the hard war years. With his marriage, the family members watched his bitterness abate under the kindly ministrations of his bride. But the military training showed deeply in Print Olive's character thereafter, and in his conduct toward others. Whereas he had formerly been a boyish, carefree young man, now his nature was stern when dealing with the men and firm in dealing with the children and his womenfolk. This sternness, contradicted by an extravagant inner nature that was generous to a fault and often showered gifts upon friends and relatives, frequently left the recipients of his generosity suspicious and puzzled. But Print remained happily unaware of this volatile behavior within himself.

Marriage intensified his ambitions to make good in the cattle business. Soon additional quarrels and gunfights in the brush with the rustlers brought his name to the attention of everyone in the area who dealt in cattle. Dud Snyder, who with his brother John built mavericking and trail driving into a respectable business dur-

ing the war years and who had dealt with Print on many occasions following the war, once told W. C. Avery, a neighboring cowman, "I like Print and his brothers, too. And believe me he is one tough *hombre*. But I prefer him as a friend than as he is to the Yegua thieves—an implacable enemy."<sup>2</sup>

Print, now riding as the ramrod for the Olives and also as a leader in the cow hunts on the Brushy, headed up his own fifteen to twenty men as well as supervised half a hundred other men in year round cow hunts. His word was his bond, and no man questioned his authority. He rode with his converted "Pocket Navy" Colts stuffed into a worn CSA holster that was lashed with rawhide to his saddle horn. When he dismounted, he stuck the weapon in the empty holster on his right hip. He was never more than a few feet from his gun, day and night, for as a soldier he had been trained in a hard school of life-or-death to trust in his gun for personal safety. In the lawless cattle war in which he and his family were engaged, he saw no more hope of discarding it than he would in war. "Print wears his gun like he wears his courage," his father once told a friend, "and he's never without either one!" If he ever had a fear, he managed to conceal it. "He don't scare," it was said of him.

There existed the warm code of Brotherhood between the Olive brothers. If one was injured, it became the bounden duty of the others to rally to his side. Threaten one, all were threatened. Only Louisa refused to accept the code of Brotherhood, and she frequently disputed with Print about wearing guns. Her efforts to disarm him eventually led to recriminations between them until a chance incident persuaded her to silence. An obnoxious drunk on the street at Georgetown was one day insulting both Louisa and two friends when Print chanced out of a store. A quick lick on the head by Print's revolver rendered the drunk unconscious. Louisa was obliged to admit the value of force where it was necessary to keep the peace.

"Men respect a gun," Print told her, now a little more gently. "It would have been impossible to argue with that drunken Curley Walker."<sup>3</sup>

That summer Louisa was heavy with child. It was extremely hot and humid, and she suffered as well from the rheumatic fever she

endured periodically from childhood. The baby came on August 18, 1866, prematurely, a tiny weak baby girl. They named her Mary Anne, after Louisa's mother, Mary Reno, and Print's mother, Julia Anne Olive. But love and the most careful attention failed to pull the child through the third month of her life and on November 11 the baby was tucked away in the Chapel cemetery.

Print stayed on at the ranch only long enough to see Louisa through her first agony and despair over her baby's loss and over her sickness. "There will be another baby, several more, later, dear wife," he promised her as he kissed her goodbye. Then he rode with Jay and others on a cowhunt on the Yegua. The day before Christmas they returned with a good catch. At Jay's ranch they saw his new and pink and healthy baby girl. They named her Emmaline. The two couples Christianed her "our Christmas Baby."



## Chapter VII

The Murday assault case came up on the District Court Docket on January 17, Case No. 397. Rob, now an Olive employe, failed to appear against Print. The case was forthwith dismissed. Another case, numbered 433 on the docket, had been pressed against Print in the matter of gunwhipping of the drunken cowboy, Walker. It, too, was dismissed when the state could make no case for Walker.<sup>1</sup>

These legal victories, while unimportant themselves in preventing cattle theft, were of great importance as a matter of good relations between the Olive family and their neighbors, for the Olives led the fight against the rustlers. The courtroom victories signified the failure of the Yegua and Knobs thieves in capturing the Williamson County court. The very name of the Knobs thieves, "The Notchcutters," came from their murderous activities and pride in registering their murdered victims as notches on their gunstocks. Both gangs, of the Yegua and the Brushy Creek areas, were loose-living, foot-free scalawags and deserters from both armies who holed up and made their living by their wits and by preying on neighborhood cowmen. They were a part of that loosely-drawn federation of thieves that reached from the Gulf of Mexico to Canada, and their horses passed from group to group from the Indian tribes on the northern plains to Mexico. It was a well-known court action that faced James Olive that same term of court when the Notchcutters' attorney charged in an action that James Olive had "unlawfully taken and used an estray colt." The charge was so flimsy that most ranchers laughed about it. Print observed that his father was making no preparation whatever to answer the charge in court.

"You'll cause more trouble than it's worth to us, staying away," Print warned him. "Folks that don't know may think you're guilty, while there aren't twelve men in the county that will believe the charge against you if you appear in court."

"Print, this new county attorney is tryin' to build hisself a reputation," his father said. "This charge is aimed more at you than me. They're tryin' to give *you* the bad name. You're their main opposition in this area. So I won't dignify their damned lies by my presence in the courtroom with those lyin' bastards sitting there in front of me." Jim Olive spat on the ground at Print's feet to show his disgust. Print grinned, stuffed the bond money the court had returned to him into his father's jacket pocket.

"You feel mighty sure of yourself," he laughed, admiring his crusty father for his viewpoint. "But will you be so fighty when old man Crow and those thievin' boys of his'n, and that ratty Turk Turner, taken a crack at you in the courtroom?"

His father wadded up the money Print had given him, stuffed it into his old leather bullsbag purse, and tied the rawhide thong around the neck of the pouch.

"That hull pack needs hangin'", he snapped to his son. "Them thieves and their damned rascal lawyers." The pair walked toward the barn.

"But we'll need allies, Print," his father warned, now speaking more deliberately and in a calmer tone. "It's getting so it won't always be in court. I don't like the way things are drifting. Cattle's big money these days. Big money draws sharp men like honey draws bears. The sheriff's office at Georgetown hardly knows what we're up agin. We're too far from our county seat—as bad off as we were in Forty-Eight."

Print mentioned their dependable friends that lived nearby—big Fred Smith and his brothers; his own brother-in-law Tom Smith; the Kuykendalls; the Shaws down near Elgin, and others who rode the cow hunts with them.

"Don't look too much outside for help," Jim Olive warned. "Most of our neighbors not too interested in cattle any more, they just small farm folk. Thing to do is hire good help. Get men that can fight and will fight for you. If they won't fight *for* you, then they'll steal *from* you."

But the Olive cattle and horse losses continued. Frequently, they could be trailed for a distance from where the thieves gathered them, then all sign would be lost along the water-courses and wooded areas.

Trailing stolen stock became dangerous, and an Austin newspaper stated editorially at this time that it was unsafe "for horsemen to travel without being well-armed" through the wooded areas of Lee, Williamson, and Bastrop counties. West Yegua Creek became a natural pathway for the thieves to work up in their approach to the Olive range, make their steal, then retreat through the wooded and brushy thickets along its banks. To the west, the channel of Dry Brushy offered the same opportunities. However, Print felt better about this region since his friend Fred Smith lived there.

Fred, Curly, and Quint,<sup>2</sup> together with their mother, came to the region shortly after the war. Fred Smith came first, made his selection of land, and built a good log cabin. Print made his early acquaintance, liked him very much for his jovial good nature. It was at the time Frank Condron and Print had drifted apart, and the new friendship was deeply welcomed by Print. Fred Smith was a big, well-built man about Print's own age. Soon they rode the cow hunts together. Print aided in Fred's log-raising. The neighborhood was happy when Fred's mother and brothers arrived. But the brothers, in reality half-brothers, were much unlike Fred. They were dour, silent fellows. But since they appeared to do Fred's bidding, Print accepted them as equal friends. Mrs. Smith was a fair-skinned woman of middle age, more in personality like her dark, sober sons than like her eldest son, the genial Fred Smith. And though Fred Smith soon won his welcome into the heart of the Olive family, Print never felt an equal warmth for himself at the Smith fireside.

At this time, in this part of Texas, one of the truest measures of one man's friendship, respect, and trust of another was the "borrowing of money" to him. This quaint practice originated in a time when the Texas trail drivers and drovers began to gain wealth in gold coin from the sale of their herds to the Yankees at the rail heads in the northern states. Suspicious of paper money, after the collapse of the Confederate currency, the Texans first sold only for gold coin. This heavy coin they brought back with them in money belts, on pack animals, in false-bottomed wagons, and other ways. Back at their homes a dearth of banking institutions in their immediate locality precluded finding a safe depository for their wealth. It was

an age of thieves and murderers who would kill for a ten dollar bill as easily as for a longhorn's hide, and the mere possession of so much wealth in a man's home marked him for all the scoundrels to try to rob or murder. Consequently, it became standard practice to "borrow to another" or perhaps several others enough of the gold to relieve himself of the responsibility of protecting all of it at great risk to himself and family. "Can I *borrow you* five thousand gold coin for a month or two?" was a question that was proof of the solid regard and trust one cowman of that era held for another.

The friend would obligingly accept the loan, guard it as though it were his own money, and return every piece of it upon the call of its owner. Nor would he accept remuneration for protecting it, though it did become a polite thing to do to offer a friend, in financial straights temporarily, to *borrow him* a sum that would help stiffen his credit in the community and permit him to carry on his cattle operations. And always some money or favor could be forced on one guarding the gold, much as bankers today receive interest for guarding one's money in time deposits!

Such a friendship became an invaluable asset to men living on the frontier, and was not taken lightly nor broken easily. Print and Fred Smith soon became loaners and borrowers in this fashion, Print once borrowing to Fred more than five thousand dollars gold coin following a return from Baxter Springs, Kansas, where he delivered a herd of Olive cattle. It was the friendly thing to do.

After several such successful market operations with good-sized herds of cattle, Print and Louisa decided on a new home. They chose a location on a rise, just northwest of the old Olive ranchhouse and Fred Smith and his brothers helped with the log-raising. The location was on the new road leading up to the sprawling Olive Pens which were fast becoming important as a location on the feeder trail that joined the main Chisholm Trail at Belton, Texas. The house faced the road to the west and was sixty feet in length with a dog-trot built between the two large sections, each twenty feet in width. The structure was massive oak logs, hand-hewn with broad-axe and adze and smoothed with the drawknife. The ceiling was built high and with a rafter arrangement where stores of winter food could be hung high above the kitchen. A gallery was erected on

three sides to help cool the home in the summer months. Louisa added the final touch by having a large cistern dug at the northeast corner of the house with a small hand-pump from which the colored cook could draw fresh water for the household at all times.

When the log-raising was over and they were living in the new home, Print knew he had chosen well. He had gained acceptance as a leader in the community, from both young and old. He was successful in his business and took active part in all community enterprises. As though selected for complete happiness in his life, on October 8, 1868, a fine, healthy, black-eyed son was born to him. "He looks astonishingly like his father!" Louisa exclaimed upon first seeing him. They named him William Prentice Olive.

That winter Print worked harder than ever to enlarge his cattle operations, keeping several groups on the cowhunts as well as buying from others. The Olive Pens were enlarged and now covered the most of twenty acres of land. The new fences were constructed of stout post oak trees, set four feet in the ground and laced together tightly with wet rawhide that shrunk and tightened to hold the wildest longhorn bulls. Crude, but workable "branding traps," precursors to the modern squeeze gates, were installed, the first in the region. The branding traps were used principally to catch and brand the big, wild steers that were making the trip up the trail. Two and three times as many could be branded with a road brand in the gates as could be worked with the old rope and throw techniques in the corral. Soon the branding traps were used to hold wild heifers for spaying. Those of bad conformation would be caught in the squeeze by the head and front quarters. Their hind quarters would be twisted down until the heifer lay on her left side. An incision was deftly made with a sharp knife high on her right flank. A stick, or rod, with a chain loop fastened at the end would then be inserted into the cavity and twisted until it became entangled with the ovaries, or "pride," as the cowmen called it. The instrument was then withdrawn, the incision sewed shut, a pack of hot tar or grease plastered over the wound to repel the flies and screw-worms and prevent their "blowing the hole." It was rough but effective birth control, and constituted the first efforts in that part of Texas to develop better stock. The inferior bulls were, of course, shot or

sent to the hide and tallow plants, leaving only the better young bulls and good cows to make up the stocker herds.

In February, 1869, with the Olive Pens loaded with big steers, somewhat gentled and all road-branded, the Yegua rustlers rode in one night, opened several of the gates, and burned one of the hay sheds. It required several days of hard riding in wet weather to gather the stock again. That following day Print called his men together.

"I want every man who rides for me to wear a six-gun on his hip and carry a repeating rifle in his saddle boot from this day on," he told them. Print pulled his own Spencer carbine from the scabbard. "If it takes guns to keep the peace in this goddam country, then we'll use guns. Nobody's being fooled by these white scalawags who cover their damn faces with lamp black and try to lay the blame for these raids on the neg'ras. I don't doubt some neg'ras are involved. But I'll shoot a white man who stampedes and steals my cattle a damn sight quicker than I would a ignorant neg'ra—and think a hell of a lot less of him!"

Print sent to Austin for rifles and six-guns for the men who did not have them, armed his outfit to the teeth.

At John Shaw's ranch, south of the Brushy in Lee County, Shaw told a neighbor, "I don't blame Print a damn bit. My boys, Jim and Jeri, are both carrying guns since they been shot at by them Yegua thieves. A man's got a right to pectect himself, and in this cow business he needs a gun to do it!"

From that date on the Olives became known as a gun outfit among the Texas cowmen.<sup>3</sup>

## Chapter VIII

The spring of 1869, Print helped move a trail herd consisting of 2,000 head of mixed young stock to Fort Kearny, Nebraska. The herd was gathered at the McDaniel Pens on McNutt Branch by the drovers Price & Morrow. Capt. F. L. Price was the trail boss. Print added 800 head of their two's and coming three's to the herd at Olive Pens, with the road brand E. Their neighbor John Shaw sent along 200 head of his young cows.

Following delivery at the old fort after a good trip, Print accompanied a herd of young steers, purchased by Captain Streeter, from Dobytown to the Ash Creek range in central Nebraska, north of the Platte River. It was his first view of the thick, woolly, buffalo grass prairie of the northern plains country. It impressed Print with the possibilities of raising cattle where the bluestem grasses in the valleys frequently grew as tall as the withers on his saddlehorse and where plum brush grew protectively in the canyons and ravines. When he returned that fall, accompanied by Nigger Jim, their saddlebags were stuffed with Yankee currency and gold coin from the Kountze Brothers bank in Omaha.

At home, Bob was in trouble. Bob was now a precocious fourteen-year-old, wise for his age. "Dat boy's simply full o' the Old Nick," Nigger Jim expressed it. Bob idolized his war-veteran brother, and Print felt a deep responsibility for Bob's actions, though his stiff-necked jawing at Bob seemed to do no good.

The previous June 29th, while Print was absent, Jay made a trip to Georgetown to register his brand—a Quartercircle over the numeral 6—a brand willed him by his godfather and namesake, John J. Thomas, a neighbor, who had registered it as early as 1851. On this trip Bob plead so convincingly that Jay allowed him to go along. But when Jay returned, Bob elected to remain for a visit at Frank Price's home. The Price boy and Bob would celebrate the

Fourth of July together. Against his better judgement, Jay permitted Bob to stay in the county seat.

On July 3, a neighbor, returning from Georgetown, brought word to Jay that Bob and Will Ake were in jail. Will had been recently arrested for attempting to fire at the sheriff—only the gun's misfiring saving the lawman's life—so Jay was properly worried, straddled his sorrel, and headed for town. Jim Olive and the womenfolk were already in town for the celebration, unaware of Bob's troubles. Together, Jay and their father talked to the sheriff and persuaded the court to release Bob on bond. The bond was high, \$500, mostly because of Bob's attitude toward the law. He was charged with horse theft, removing a colt from the stable of Samson Connell, a good friend of his father.<sup>1</sup> Bob readily admitted taking the half-broke colt, but claimed he was only using it in lieu of loaning his own horse to young Price, Bob's horse straying from Price's barn. The story was plausible, for his own horse showed up a day or two after Jay's return.

Bob had turned fifteen that summer. He was a tall, wiry boy with fine, straight legs and broad shoulders and slender hips. He dressed always to capture the fancy of the neighborhood girls and was now wearing a blue cotton shirt, fancy gambler-striped riding breeches, black riding boots, oiled and polished. He wore a wide-brimmed felt hat with a low crown. A knotted kerchief of silk hung loosely at his throat and his heavy, silver-inlaid Mexican spurs jangled as he strode along the boardwalks of the village. But beneath this facade of clothes and accessories of the cowboy was a young man hungry for recognition, ever hopeful of being wanted and needed as much as his eldest brother. Bob insisted on carrying a six-shooter, contrary to law, a fact that always brought him into arguments with brother Ira, who, though quick to fight when necessary, was one always to avoid any show that might make trouble.

James Olive had a long talk with the judge in his chambers at the little courthouse on the square. Then they called in Samson Connell. Bob was released, and Print turned the errant brother over to his tough foreman, Jim Whitehead. Jim kept Bob occupied the balance of the wet summer season tailing up cows in the boggy creek bottoms.



Jay's act in registering his own brand brought about a change in the communal operation of the Olive cattle enterprise. The spring of 1870, Ira registered his brand. It was an IR with a bar below the initials, the left ear underbit and the right oversloped. Print and his father frowned upon the idea of breaking up the family-ownership practices. But Jay, urged on by his wife, reluctantly had set up his own operations, separate from the family enterprises; and Ira, whose aspirations were always directed toward making more money faster than anyone else in the family, could not fail to see the point. To Jim Olive and Print the practice meant the disintegration of the family unit. With more bushwhacking, murder in the brush, and theft, they had hoped for even closer co-operation between family members; for only in such family unity could they achieve and maintain the strength to fight the rustlers. One night when two of Jim Olive's fine driving mares were found tied up in the brush, great knife wounds in their shoulders and back, the work of a fiend, he warned his sons.

"These murdering cuthroats will do the same to you if you don't stand together. There's those that are jealous of your success, and there's those that want to get into the money without workin' for it," he warned.

One day Bob was fired upon from the brush. A few days later Print, watching the area, rode upon a small herd of steers strung out along a dry creek bed, followed by two riders. Print and his foreman, Jim Whitehead, looked the cattle over as they came by. There were Olive steers in the herd. They immediately rode in and cut their property out. Print recognized one of the cowmen as an unsavory fellow by the name of Dave Fream who owned a Lee county brand under another name. Bob, who usually knew, claimed that Fream was connected with the Yegua mob. So Print cantered back to the riders, asking Fream, "Was it you that took a shot at my brother Bob the other day?"

"No," Fream promptly responded, "but I'd damn well like to take a pop at you!"

With no further words both Print and Fream pulled their revolvers and fired at each other. Print's first shot hit Fream in the body just as Fream's bullet struck him in the chest. Print managed to fire

once more, the bullet striking Fream in the throat. He dropped to the ground in a pool of blood, dead.<sup>2</sup>

Print slumped in the saddle, the ball from Fream's 36 caliber Leech & Rigdon buried deep in his left shoulder. Fream's companion put spurs to his horse and made a hole in the brush as Jim Whitehead came spurting up. Whitehead took only a glance at Fream to tell he was dead. He then supported Print in the saddle as he wadded up his vest and thrust it under Print's shirt to stay the flow of blood.

Nearing the ranchhouse, Print asked, "Was he dead?"

"Yeah," Whitehead answered. "How do you feel?"

"Numb, but we'll soon be there," Print managed.

Louisa, from the veranda, watched them approach, then rushed out to meet them. She helped lay Print in bed, then Whitehead changed horses and rode for the doctor at Lexington.

The doctor, Dr. Doak, an ex-Confederate army doctor, was matter-of-fact, sober, and efficient as he probed the wound, washed and cleaned it, and examined the ball. James Olive had arrived and the doctor now nodded at him.

"He'll be dead tonight, Jim, or he'll survive. If he had been hit with a forty-four, it would have pierced his heart. He's lost a lot of blood. But I've taken these little thirty-sixes out of a lot of men still livin' today. So have faith."

Print's father sat wakeful by the bedside all that night while Louisa cat-napped in a chair beside the bed. At six o'clock in the morning, Print opened his eyes, saw his father, and grinned.

"When will we have breakfast?" he asked weakly, turning to Louisa.

"He'll live," Jim Olive said decisively. "Feed him. I've got to get home and do some chores."

Bob's trial for colt theft came up November 18, 1870. The judge dismissed the case at Samson Connell's request. Print, now nearly well from Fream's bullet, was pleased. But he was not sure Bob had yet distinguished "mine" from "thine" in the horse business.

That winter was a severe one, with much sleet and snow along Brushy Creek. The Olive cowboys rode all winter, bringing in the early, out-of-season calves, getting the stock to better grass and

shelter and to the protection of the brushy bosques and creek bottoms. An early thaw helped save the weak, young stock. The mature steers on the Simon Miller tract did well, would stand the trip north that spring. The Yegua outlaws remained holed up during the cold weather. The spring trail drive was postponed to let the weak stock pick up strength.

That spring an indictment was found against Print for killing Dave Fream. Mackemson, Print's lawyer, managed to get the trial date set ahead so the spring drive could be made. Bond was posted, the trial date was set for March 17, 1872.<sup>8</sup>

The middle of March they outfitted at Georgetown and on the 20th turned two big steer herds with Olive road brands on to the trail. They took along several hundred head of mixed cattle for neighbors, as usual. Print took the first herd, Jim Whitehead the second. The trip was uneventful, and they joined the main Chisholm Trail at Belton, then turned north through the Indian Nations. There were scores of other herds on the trail that spring and the two Olive herds were sandwiched in between herds belonging to Word Brothers, ahead, and Choate and Bennett, with Red Barroum, as trail boss, behind. Other "neighbors of the trail" were the outfits of Baylor and Butler, and cattle belonging to Pucket, Rogers and Rose.

It was one of Print Olive's greatest pleasures to ride ahead or behind for a day and visit with the other cowmen when the herds were moving along well on the trail. The friendly talk, the nightly card games, the conversation about cattle, horses, and more cattle, drew him as a magnet. "Light 'n eat," was the universal invitation along the cattle trail. Frequently a young beef would be killed in the visitor's honor. Good stories were told, there were singing, friendly banter, much bragging, and laughter. Upon special occasions, the cook might be persuaded to prepare that concoction known to the cowboys only as "son-of-a-bitch-in-a-sack," but a tempting morsel for their palates. A trail visit could mean that medicine was needed by a nearby outfit, ahead or behind, or it might be a cook's request for the freshening of his supplies from a friendly wagon. The "wagon" was the ranchhouse on the trail. So many years had Print spent in army camps and on the trails and cow hunts that the

wagon gave him a feeling of security and plenty, amid familiar surroundings.

On June 11 the herds were turned into the McCoy Pens at Abilene. The steers were sold at once to a packer's representative. Most of the cows were cut out and sold to a Nebraska rancher on the Platte, eventually going to Carter and Coe, at their new ranch operated under the name of John Bratt & Co.

This year Abilene enjoyed the distinction of being the most important cattle shipping point in the nation. The town and its businessmen were at their best, and their worst, catering to the physical needs of the Texas cattlemen. More than 600,000 head of Texas cattle were driven north before the season ended. When Print, Jim Whitehead, Old Victorio, Wiley Bell, and Barney Armstrong returned from the drive, \$50,000.00 was packed in stout canvas bags in gold coin and secreted beneath the false floor of the chuck wagon Aaron Williams had built for Print. An additional \$20,000.00 of Yankee currency was carried in money belts the men wore on their persons.

There was always something triumphal to Print about homecoming from the trail drives. It was a time when he felt free to indulge his generosity to the limit among his trail hands and to repay the family and friends for the tedious months they had worked in between the annual summer beef harvests. There was money with which to buy more land and cattle, more ranch equipment and supplies, to hire more riders and gather more of the mavericks from the brushy thickets. For the womenfolk he bought treasures of good, substantial jewelry, fine clothing, and bolts of the prettiest yard goods.<sup>4</sup> The Russian peddler, Jack Melasky from Austin, carefully timed his Williamson county visits to correspond with the date of return of the trail drivers. Then the women of the families would buy every item in his stock, cleaning him out within an hour's time of his arrival at Shiloh Crossroads or the Olive Community.

No one objected to Print's generosity. But Jim Olive often shook his head at such unbelievable prosperity in his own family. "Great wealth brings greater responsibility," he would warn the boys. "I'm not certain I've raised you boys to take keer of it right, not certain at all."

Print laughed at his father's wisdom as the young have always passed over the sage advice from the old. "Forget about responsibilities, father! It's our own money. We earned it, honestly, and by ourselves. See how much better we fare than in your father's time. Yankee gold's the answer!"

Jim Olive was thinking only of his family's happiness, of what great wealth could do to undermine and destroy it.

"I'm thinking of what money does to people, Print. The cattle money has already made you boys targets for every cow thief's pistol. So much money will create jealousy in your own families if you let it—and among your friends. Just be careful."

The two had been discussing the matter in the old store building. Now hoofbeats sounded and John Shaw, the Lee County neighbor stepped upon the gallery. Jim Olive arose with great show of hospitality, welcomed his friend, and poured a large drink of the bourbon whiskey from the jug into a glass, handing it to Shaw. Then he poured Print and himself a drink, and the three men drank together.

"Get your cattle moved all right, John?" James Olive asked.

A cloud passed over Shaw's countenance, and he set the empty glass back upon the table.

"Jim, I bin hearin' so many damned fool things it made a fool of me, too. I sent my cattle up the trail with some fellows named Brymer and Townsend. I ain't seen hide nor hair of them since—or got a cent of pay for my livestock!"

Print clucked sympathetically, then asked a question. "Just what you heard about us, Mister Shaw, that made you and others decide against us earning the *cabestraje*?" Print pointedly used the old Mexican term for money paid to drovers for taking cattle to market, since he had once heard that John Shaw complained that the fee charged by the Olives was too high.

Shaw was reluctant to say what he had heard, but Jim Olive insisted that he say it, now that the matter had turned up. "We're friends, John, we couldn't hold it agin' you," he told Shaw.

"Well, Jim, there's been talk of the boys gettin' a brand or two mixed up, now and then, and sech things as that. Fact is, Brymer and Townsend both spread them stories all over when they was makin' up a herd. I jes shouldn't have believed them. I jes acted the

fool." Shaw was truly repentent and Jim Olive saw no reason to inquire further. But Print's ire was aroused by the unfairness of Shaw's action, even if he had paid for it with his own cattle. Print poured another drink for the three men.

"Mr Shaw," Print said, "father has been worried about his own sons, but for a different reason—our success in the cattle business. He says people are jealous of anyone's success. Maybe that's so. But let me say this—we worked for what we got, went out and rode for cattle when we was children, eight, ten, twelve years of age. Nobody was jealous of us then. We been gathering the old mossy horns while others sat around the card rooms and saloons. They said 'Cattle too cheap to ride for.' Now those same fellows—like that Brymer and Townsend—not only want to steal your cattle but take our good name, too!"

Print walked over to the old fireplace and leaned against the mantel. "I know what they say. I know who says it, too. Some of our shirt-tail relation's as bad as the rest. They lay around the cabins and eat snuff while we work. And scalawags like that Yegua mob—. In Texas a cow in the brush is anybody's cow until she's branded. That's what the law says. That's how we got our cattle. And men who won't ride for cattle got no cows no more!"

Jim Olive cleared his throat. "What Print means is that when my boys take cattle to market they always bring the owner back his money. It don't make them happy to have others now thinkin' ill of them about their business, distrustin' them."

John Shaw stood up and put on his hat. He shook hands with both Print and James Olive.

"You can sho' depend on me to have my cattle to move from now on," he said sincerely. But Shaw had no more cattle to send up the Texas trail.

The winter of 1871-72 was long and cold following the wet summer. Great blizzards swept down from the north, one after the other, some of the "nawthers" reaching Williamson County with ice and snow. Cattle drifted and died. Olive riders were busy all winter helping the stock to better grass and shelter, for only in the thickest brush did the cattle winter well. By February the worst was over. While losses had been heavy, Print was thankful they had

marketed the big steers the previous summer. Only one thing the winter's blizzards had failed to kill off—the Yegua rustlers. They holed up, ate Olive beef, drank whiskey, and planned on the big steals they would make in the spring.

But so far, the Olive luck had held.

## Chapter IX

Print's lawyer, W. K. Makemson, had engaged a new assistant by the name of Foster. Foster delved and dug, and when he came up with his defense material in Print's case against the State of Texas, which charged Print with the murder of Dave Fream, it proved what an asset a diligent lawyer could be. The case was No. 576 on the Criminal Docket that March 18 when District Court was called in Georgetown. When Makemson and Foster uncovered their facts, revealing that the District Attorney's dead man was a former member of the Yegua mob who had been squeezed out and was setting up in business for himself, the judge dismissed the case—at the request of the prosecution.<sup>1</sup> Fream, it turned out, was unseated as the head of the Yegua clan by another, Cal Nutt, whom Bob Olive knew personally and whom Bob knew to be a hard case. Fream had made the mistake of attempting to start his own business at the expense of the Olive clan, and clashed head-on with Print Olive in his first operation.

Bob Olive's longstanding case of "horse theft" had been quietly dismissed by the district attorney the previous week, March 13.<sup>2</sup> Now there was rejoicing and a community dance at the Olive ranch in celebration of the court victories over the Yegua mob.

"Have your fun, boys, for this isn't the end of their deal. They still have some mighty tricky cards to show," Jim Olive warned his sons.

Print went from the courtroom back to the cattle trail. With ample Yankee gold to finance expansion, the Olive brothers were now not required to put in the hard, long hours on the cow hunts. It was better business, and faster in making up trail herds, to buy from others and spend their time on the trail to the northern markets rather than to run cattle in the brush. On May 28 Print turned a big steer herd out of the Olive Pens and started it up the Chisholm



Trail. With him he took Nigger Jim Kelly as wrangler, with a night hawk to help him. Jim was "a good man to cross the river with," as Print spoke of him, for Kelly knew no fear and was a valued hand when trouble arose on the trail. With quick reflexes, fast with a gun, loyal to Print and proud of it, Nigger Jim was irreplaceable in Print's mind. Jim's work with the horses of Olive remudas made them the envy of many Texas drovers and Olive saddlehorses brought top prices wherever they are shown, many being from Steel Dust breeding.

"That Nigger Jim can ride anything with a hole in it or hair on it," the cowboys facetiously remarked. But in spite of the vulgar insinuation, Jim Kelly like most of the cowboys of his time, white, colored, or Mexican, shared an almost reverent attitude toward womenkind.<sup>3</sup>

On the trail, Barney Armstrong, a faithful Olive cowboy, took the right point and Albert Herrera, a *vaquero* from Dime Box, rode at the left. Bushy McGuire, a new hand, "wild and woolly and full o' fleas, never bin curried below the knees," as the trail men told it, rode right swing. Gene Lyons, Print's friend, an easy-going young man with a calm disposition, the antithesis to McGuire, rode left swing. Gene had started as an Olive cook, and he was the friendliest of men.

The two flank riders were experienced *vaqueros*, Carlos and Francisco, brothers, whom Print had picked up in Austin a few days before the drive started. At the drag, Print put two young and inexperienced boys, Ranny Johnson and Steve Nicholas, both seventeen. Henry Strain, a young colored boy, drove the chuckwagon and cooked. Victorio, an elderly *vaquero*, helped with wagon and remuda.

Print had the feeling from the start that it would be a troublesome trip. He was not disappointed in his forecast. The cattle ran every night for the first week in the brushy country north and across the San Gabriel, keeping the herders sleepless and irritable until a final bad run ended in the death of twenty head of big steers in a canyon. Among them had been the spooky leader of the stampedes.

"It's worth fifty head to get that bastard out of the herd," Print said. But when the stampedes had ended, near Fort Worth, trouble

began between the cowboys. "Trouble with cattle means trouble with men," Print quoted an old trail axiom.

One night at the wagon after some of the saddlestock in the remuda had strayed, McGuire quarreled with the trail-worn wrangler, Nigger Jim Kelly. The tall Negro, born a freeman and a very proud one, took his share of the bantering, then shoved his .44 under McGuire's nose. Looking straight into McGuire's eyes but speaking for the ears of the trail boss, Kelly said icily, "If Mista Print don' say 'Take it down' I'se goin' to blow the haid off youah shoulders, Bushy." Kelly pulled back the hammer.

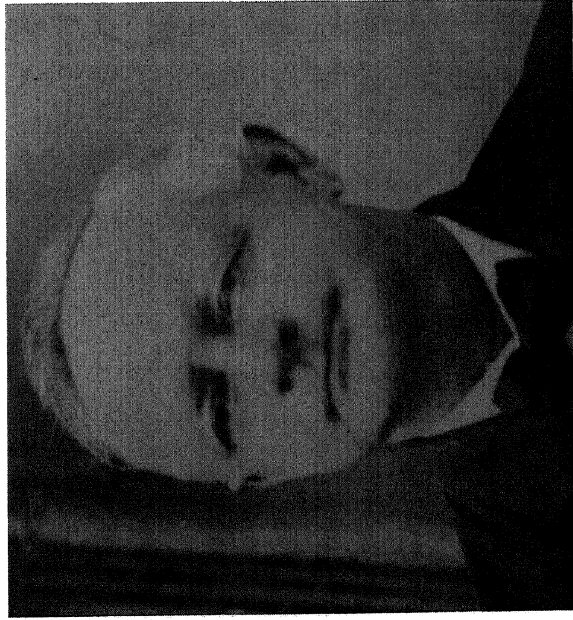
Print allowed enough time to pass for the significance of the Negro's action to sift into McGuire's thick head, then he said quietly, "Take it down, Jim." Nigger Jim lowered the barrel of the gun, shoved it into his holster.

"Some day you goin' to cuss up the wrong man, Bushy," Print advised McGuire. Then he closed the subject for all time.

As the herd crossed the headwaters of Deer Creek, entering into Kansas from the Cherokee Outlet, more trouble arose to plague the drive. C. H. Stone, an enterprising frontiersman, had erected a log supply store for a road ranch at the trail crossing. He sold both wet and dry goods. Near his store shanty was a cluster of dugouts and soddies, composing what they called the town of Caldwell. The evening the herd crossed Deer Creek a bedground was made two or three miles north of the crossing. That night Ranny Johnson rode back and quickly made himself acquainted with a seventeen-year-old charmer at a bawdy house called the Gold Nugget. About midnight he rode into the sleeping trail camp, waked Print, and asked for more money to carry him through until morning at the town's bagnio. The sleepy Print refused him money, forbid him to go back, and gave him a cussing.

"When your money's gone, they toss you out like a old piss-pot," Print told him. "Sober up and hit your suggan."

Ranny was half-drunk, girl-crazed, and plain obstinate. He demanded that Print pay him off in full—and in gold! He now told the trail boss he was quitting effective that minute. Print, his patience worn thin, gave the boy a furious cussing, ran him out of



### ALLEN E. WYNN

Born June 1, 1855

Allen Wynn was a son of Elizabeth (Olive) Wynn, Print Olive's sister. As a young man he rode with the Olives, taking horses to Corpus Christi and cattle to San Antonio. He refused to testify when Print was tried for shooting W. H. McDonald in January, 1876, thereby bringing about defeat for the renowned district attorney, Thomas P. Hughes. It was an attack on Wynn in 1883, after the Olive Brothers left Texas, that brought about the hanging of the Notchcutters



### WILLIAM PRENTICE OLIVE

Son of I. P. Olive

1868-1887

Billy Olive was about 17 when the above photo was made by Vancil & McDonald, Photographers, Dodge City, Kansas, in 1885-6. *Photo courtesy Al and Ida Olive, Dodge City, Kansas.*

who terrorized the region, by the Vigilantes. (See "Four on a Limb" in *I'll Die Before I'll Run*, p. 141, by C. L. Sonnischen). *Photo courtesy Mrs. Gregg Laurence, Van Vleck, Texas.*



### I. P. (PRINT) OLIVE AND "A BROTHER"

The above photo is reproduced from an old tintype, the property of Mrs. J. H. Atwater, Raton, New Mexico, a great-granddaughter of Print Olive. She is the daughter of Edward Olive, son of Tom Olive, who was I. P. Olive's oldest son. The tintype was made about 1873-74 in Texas. The "brother" is thought by the author to be Thomas J. Olive, who was shot to death by rustlers two or three years after the photo was made. *Photo courtesy Mrs. Atwater.*



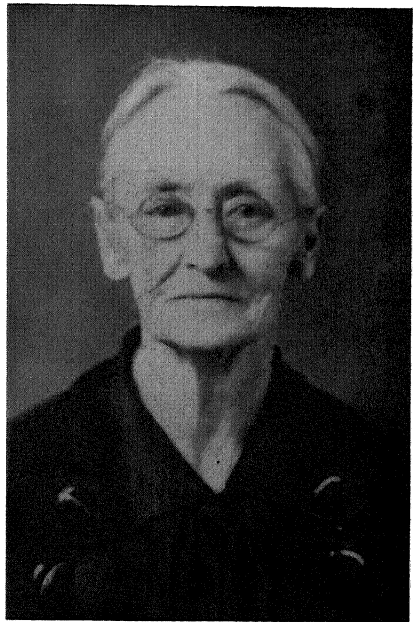
### HARVEY'S JOINT IN TEXAS

This saloon, somewhere along Red River in Texas, was run by Harve Olive for a few years. Prohibition closed it in 1917-18, Al Olive said. Left to right are Oscar Smith, banker-cattleman, Mangum, Oklahoma, a son of Wm. T. Smith and Alice (Olive) Smith. Second figure unknown; third figure, Harvey Olive; fourth figure, "Sam," colored porter; others unknown. *Photo courtesy Al and Ida Olive.*



LULU PARTHENIA (BUG)  
OLIVE

B. Oct. 30, 1856—D. Sept. 10, 1945  
Lulu, a beauty-winner as a girl, married Arthur Layne. He fled to Canada after some gun-play. In 1891 she married O. K. Haddox, a Confederate veteran. She is buried beside him in the Masonic Cemetery, Caldwell, Texas. Photo was taken on her 89th birthday. One folk tale tells how Lulu rides a horse to Huntsville Prison, leads another, her purpose to free a brother. She locates him working in a field, tosses him a six-gun. He covers the guard, mounts the led horse, and the two "flee nawth together." The tale is, of course, pure fiction, since no Olive was



MARY TEXANA (WYNN)  
TUTTLE

B. Feb. 12, 1861—D. Jan. 28, 1941  
Betty Wynn's daughter Mary Texana made a good marriage to Will Tuttle, raising a large family principally of girls. *Photo courtesy Mrs. Gregg Laurence, daughter.*

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ever in the Texas prison system. *Photo courtesy Myrtle Claire Smith, a niece, the daughter of Alice (Olive) Smith.*



**AL OLIVE (Son of I. P. Olive)**

Dodge City, Kansas

1874-1960

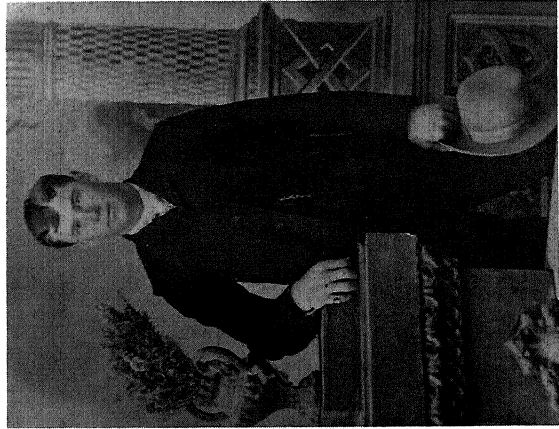
Mr. Olive was 80 years of age when the above photo was made by Frank Locke of Dodge City. *Photo courtesy Frank Locke, Lora-Locke Hotel, Dodge City, Kansas.*



**THE AL OLIVE FAMILY**

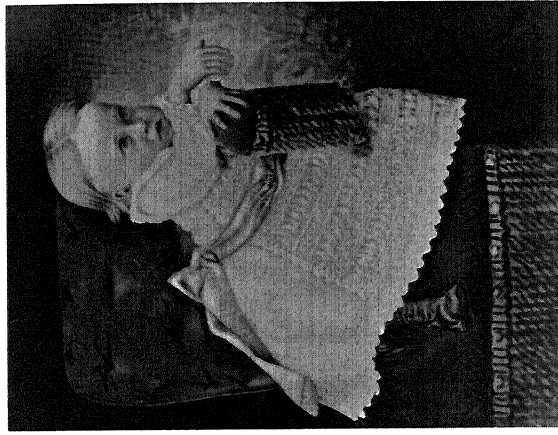
Dodge City, Kansas, circa 1910

L to R: Ida (Cook) Olive; William Preston, son; Bessie, daughter (deceased); Albert Olive (deceased). *Photo courtesy Al and Ida Olive.*



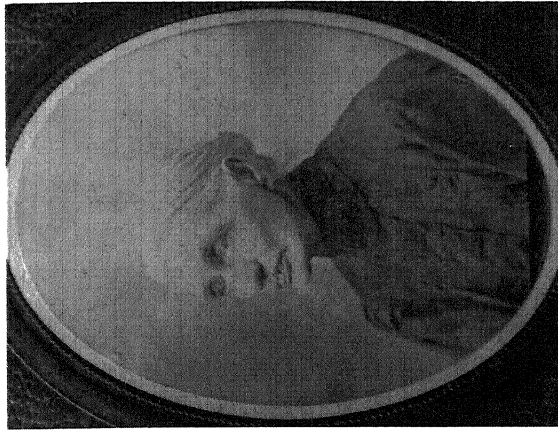
**THOMAS OLIVE**

Age about 18—circa 1888  
Tom was the second son of I. P. Olive. He married Emma Strange and lived in Colorado for several years. Their only son, Clarence, was killed in a Caterpillar accident a few years ago. *Photo courtesy Al and Ida Olive.*



**GERTRUDE OLIVE**

About 2½ years old at death, in 1880. Buried at Old Plum Creek, now Lexington, Nebraska. The above photo was made from a water-color painting made by Louisa Olive, her mother. *Courtesy Al and Ida Olive.*



**MARY ELIZABETH (OLIVE)  
WYNN AT 83**

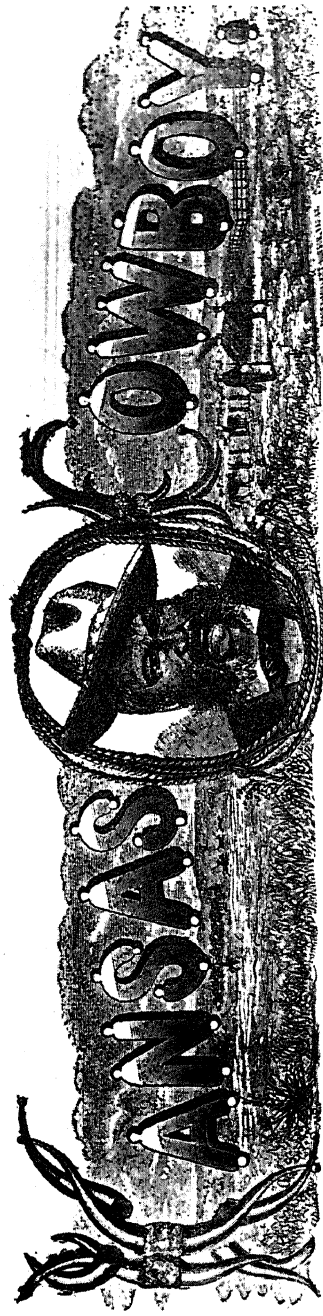
B. April 29, 1838—D. 1922  
“Betty” Wynn, as she was known to the Olive family, was widowed when George Thomas Wynn died in a Union military prison in Kansas City in 1863. She raised a large family and lived a rich and rewarding life, dying in her 84th year. *Photo courtesy Mrs. Gregg Laurence, great granddaughter.*





An Olive cow outfit in Nebraska. Second figure from the left is Tom Olive, son of I. P. Olive, shown with his cow outfit on the South Loup river, north of Gothenburg, Nebraska. Tom and some relatives took this herd north from Dodge in the late Nineties and carried them on the buffalo grass range for two years. Note the chuckwagon on the hill in the right background. *Photo courtesy Mrs. J. H. Atwater, granddaughter Tom Olive, Raton, New Mexico.*





Volume 1.

DODGE CITY, KANSAS, JULY 5, 1884.

Number 44.

FROM NESS COUNTY.		KANSAS LANDINGS.		CATTLE RANGES IN ARIZONA.	
To T. S. Cowboy.					
JESSE, 28, 1884.		John Peck, aged 16, of E. La., was charged last week while attempting to enter the Arizona territory.		New Secretary of the Arizona Cattle Range Association, Mr. W. H. Wilson, has been elected for the term 1884-1885.	
N. H. Stigler has enclosed his ranch of 325 acres of land with a post and wire fence.		Frank H. Wilson was drowned in a whirlpool in the Walnut River in White Sulphur Springs, Kan., last week.		The headquarters of Kansas are now at Dodge City, Kan., and the headquarters of the Arizona Cattle Range Association are at Phoenix, Ariz.	
Mrs. Nannie Kutz, of Col. Kutz's, is taking her last father, Uncle John Stigler, to the place.		There was something over fifty cowboys present who were witnessed to the money. The high school, beautiful wearing a light-stained red skin dress.			

The *Kansas Cowboy*, established 1883, was the organ of the West Central Kansas Stockmen's Association. It once stated editorially, "We claim to be the only paper in Kansas printed exclusively for the livestock industry. We will have nothing to do with political, or with social, moral or religious topics." This policy undoubtedly won it great favor among its more than 400 readers. Subscriptions sold at \$2.00. Prentice Olive's name frequently appeared in its columns.

Col. S. S. Prouty was its doughty editor. The paper was launched at Sidney, Kansas, later removed to Dodge City, "the center of the Kansas range." The paper burned in December, 1885, closing its life. *Photo by Kansas Historical Society.*



Trail City, Colorado. All that remains of the old trail town on the "National Cattle Trail" is a huge cottonwood tree that has withstood the dry years and the old limestone hotel building, since leveled. The ground is littered with broken amethyst glass from the thousands of bottles emptied there in the 1880's. The 10-acre patch lies between the Santa Fe tracks and the U.S. Highway 50, between Coolidge, Kansas, and Holly, Colorado, just across the Colorado line. *Photo by author.*



The above picture, clipped from *Saturday Evening Post*, originally appeared in Butcher's *History of Custer County, Nebraska*, published about 1900. It professed to be a photo of I. P. Olive, taken about 1878-9. It looks so little like the actual picture of Olive, given me by Al Olive that I requested Al Olive to identify it. His note states: "No. This is not my Dad, also no relative of ours." The note was signed by both Al Olive and Ida E. Olive. H.E.C.



The photo, negative reversed and retouched, above, was recently circulated and used to beguile the public about I. P. Olive in the interest of sales of a recent book. It is apparent at a glance that it is the same old photo used by Butcher to illustrate his Olive story in *History of Custer County, Nebraska*. Al Olive, son of I. P. Olive, repudiates it as a photo of his father.

camp. Ranny saddled his own spotted pony and headed back for Caldwell.

"Damned good riddance," Print swore. But he worried about the boy.

The next morning, with the herd on the trail and moving along in good order, a stranger rode up from the south with Ranny Johnson alongside. The newcomer introduced himself to Print.

"I'm G. D. Freeman, deputy marshal at Cox's Crossing—town name of Caldwell." He told Print his business, showing him a handwritten warrant for Print's arrest, the warrant signed by Judge J. W. McDonald, the justice of the peace at Caldwell.<sup>4</sup> Print and the lawman discussed the affair calmly and without rancor, Print explaining the unfairness of young Johnson's charges against him.

"I have no desire to return to that place," Print said. "Suppose I pay Johnson in full—here and now, and in gold coin—so he can go ahead and blow it?" The lawman agreed that payment would end the matter for the boy could withdraw his charges. Print turned his mount toward the chuckwagon, where he carried a small bag of gold coin for expenses on the trail. Freeman and Johnson followed along.

As they approached the one flank of the herd, there was a disturbance midway of the herd, the cattle leaping from the trail and scattering on the prairie. Print then saw two white puffs of smoke, followed shortly by the reports of six-guns. He quickly turned his horse and dashed to the seat of the commotion.

A sorrel horse broke through the herd, a body swaying on it. Then the body fell from the horse's back and lay still on the grass. From the riderless mount, Big Sorrel, Print knew the man was McGuire. When he reached the body, McGuire was dead. Print mounted again, shouted an order for the swing and drag men to bring up the herd which was straggling, the animals beginning to graze again. Then he rode through the hole in the herd caused by the frightened sorrel. From Albert he learned of the gunfight between McGuire and Lyons, the rough and ready McGuire forcing a fight on the peaceful Gene Lyons. Nigger Jim rode up on Chowder, his bald-faced black.

"Dat Bushy knows it's bad luck to split a trail herd. He sho' done picked the wrong man dis time!"

Print rode alongside the herd and met Lyons coming to meet him. "I'm sorry to cause you trouble, Print," he apologized, "but no man can talk to me the way Bushy talked." Print waved Gene on.

"Looks like I got real trouble now," the trail boss said to Freeman, when the lawman caught up. Freeman nodded. "I'll ride back to town with you," Print decided. "We'll take Gene along and see if we can make bail for him after he talks with the judge. I'm gettin' short handed."

The lawman nodded sympathetically. "The swing man talked like you had a good case," he said. Ranny Johnson's importance had somehow faded into the background, both in the lawman's and in Print's mind since McGuire's shooting had occurred. Now the boy tagged along behind, awaiting their decisions about McGuire.

"Mac wasn't a bad fellow," Gene Lyons told the marshal, "he was just a damned fool."

"He always pressin' fo' trouble," Nigger Jim substantiated. "I'm sho' proud he didn't press me too far."

Print called Barney Armstrong and put him in charge. "Keep 'em walkin'," he instructed Barney, then he rode over to the wagon to pick up the gold coin. With the marshal, Freeman, Gene Lyons, and Ranny Johnson, Print then rode back down the trail to Caldwell.

The main street of the village perched along the hillside parallel to the stream, the sod town sprawling along the confluence of Bluff and Falls creeks. At the town, the men dismounted before a soddy that served as courthouse and jail. A crowd collected as they stepped within a dark room which the lawman indicated was the judge's chambers. Judge McDonald, a spare man with a full black beard and huge walrus mustache, peered up, then tilted his chair back against the soddy wall, listening to Freeman present the facts. The deputy first told Ranny's story, then of the McGuire killing.

The judge listened, asked a few pertinent questions, then gave out with what Print considered short and complete justice wrapped up tightly in a floursack full of non-legal verbiage.

"'Pears to me, young man," the judge addressed himself to Ranny

Johnson first, "like you set off a chain of events that ended in murder. What good reason you got for quittin' the employ of a man when he's dependin' on you to get his livestock to market? Why do you think he should pay you off 'way out here on the prairie, just so's you can go playin' around with one of them split-tail girls at the Gold Nugget? That's no decent place for a boy your age to be, nohow!" Johnson started to speak in his own behalf but the judge silenced him. Then he turned to Print.

"And you, Mr. Olive, what kind of men do you hire, goin' around shootin' other men with guns?" Since the judge waited for an answer, Print commenced explaining his position. He told of the bad feeling that existed among the men following the many stampedes early in the drive, he mentioned Johnson's folly in wanting to return in the middle of the night to the bed of the Gold Nugget girl.

"I'll be willing to sign a statement concerning McGuire's death, and to place gold coin up as bond for Mr. Lyons' return if your honor will allow him to help us finish the drive to Ellsworth," Print said. The judge scratched away with a quill pen while Print talked, his bearded face telling nothing of his thoughts. Then he held the paper over the smoked lamp chimney to dry the ink and handed the sheet to Print. "Sign here," he said, indicating with a greasy index finger.

Print, not without experinece in reading legal documents pertaining to arrest and bail, scanned the Judge's paper quickly. It contained a few scratchy phrases mentioning "the shooting of an unknown cowboy, a trail driver, by another." Print signed.

"The bond will be three hunert dollars—gold," the judge said, for the first time looking Print squarely in the eyes.

Print dug the bag of gold coins from his shirt front, extracted a handful and counted out fifteen coins, each of \$20 denomination. He stacked them in three neat piles before the judge, then added a sixteenth coin.

"Could the Court provide me a gravedigger?" he asked. "We want that McGuire's body have a Christian burial."

"We can get a digger—but there's no preacher here," Freeman told Print. The judge handed a small, leather-covered Bible across

the table to Print. "You can read from this," he offered, then added, "but send it back. I'll need it again."

Print took the book, then counted out Ranny Johnson's pay and told the boy goodbye. With Gene they rounded up the gravedigger and the three rode back along the trail.

They buried McGuire alongside the trail where he fell. As the townsman covered the body in the grave with a blanket, Print opened the Bible. Undecided where to read, he fell back upon a system once given him by his sister Alice. "When in doubt where to read, let the Bible fall open to its chosen pages," she had said. Print let the book fall open. He found himself staring at the second book of Samuel, chapter 14:

"For we must die, and are as water spilt on the ground, which cannot be gathered up again; neither doth God respect any person; yet doth He devise means that his banished be not expelled from him. . . ."

Initially, Print felt that Alice's system had given him a happy choice from which to read. But as he read on, the passages of Scripture became meaningless to him at this date and place. So he attempted to clarify for the cowboys around the grave the significance of what he had already read to them.

"Mac seems to have given his Maker some previous trouble, or he wouldn't have been called in such a summary manner. But we don't know and can't know what Mac's real position was with his Maker, either today or in the past. So we won't try to judge him, for it taken better men than us for that job. We'll just commit his body to earth and the Lord can do with his soul what has to be done. Amen."

The trail boss stepped over, took a handful of moist earth and dribbled it down into the grave, on the blanket-clad body below him. The *vaqueros*, Francisco and Carlos, crossed themselves and repeated the Amen. "I'll not need this any longer, and the judge might," Print said to the gravedigger as he handed him the small Bible. The group mounted and rode north up the trail in pursuit of the herd as the townsman filled up McGuire's grave on the prairie.

Print felt satisfied the incident was closed, once the gold bail money had served whatever purpose it would in the little trail town. He regretted the death of McGuire—as he had come to regret the destruction of any man through violence and anger on the part of another. But he had himself killed, without and with anger, and he was a man who had seen twelve hundred Union dead lying on the approaches to Vicksburg. He was saddened by McGuire's death, but he was too short-handed to worry about the spiritual future of the erstwhile quarrelsome cowboy.

Trail progress seemed slower following the shooting. The cattle were drifted slowly across the greening prairie as they crossed the three forks of the Nenescah, Antelope Creek, Indian Run, Rattlesnake Creek, and the wide-flowing Arkansas river, east of Fort Zarah. North of the Arkansas they turned northeastward, toward Ellsworth and the railroad, across high plains covered with buffalo grass whose greening spires were now appearing at the roots of the winter-kill. July 3, 1872, they reached Ellsworth on the Smoky Hill River. They held the herd southwest of the town.

The new stockyards on the Kansas Pacific railroad sprawled on the prairie west of the new town. Ellsworth was a typical boom-town on the cattle trail, "bustin' its britches," the cowmen said. The main street ran east and west along both sides of the railroad tracks, the depot being on the south side. A long siding ran to the stockyards from a switch on the main line. Seven chutes permitted the "spotting" of seven cars at a time for loading, the engine then boosting the string of empty and "sanded" stock cars ahead and spotting another seven cars along the loading chutes. The process would be repeated day and night through shipping season as long as cars were available. There was a din of shouting, and of bawling cattle that could be heard all day upon the main street of the town, a crashing of animal's bodies against the sides and ends of the cars, the slamming of car doors as the packed animals were loaded and the car sealed. When the loading was temporarily done, all hands would troop to the nearest saloons for a cool beer or a shot of the "tiger milk" used so unsparingly by a meat-eating generation of women-less men who were doing hard physical labor every day.

The three-story cowman's hotel, Drover's Cottage, was still un-

completed, the building having been recently moved from Abilene on railway flat-cars by the owners, J. W. and Louisa Gore and their pardner, M. B. George. To Print, the sight of the familiar hostelry in which he had stayed at Abilene was like meeting an old friend in new surroundings, so he planned to stay there again. As he rode the length of the main street, the sound of busy saws and hammers came to his ears from all directions. Four new saloons had been recently erected—Jake New's, John Kelly's, Nich Lentz, and that of Joe Brennan. Nine other stores handled wet goods! Bill Naegele ran the wagon yard; Larkins a drug and clothing store; the Grand Central Hotel was now nearly completed and the courthouse and jail stood just a half-block east. The hotel and restaurant operated by J. C. Veach sported a big sign over the door, "Welcome Texas!" So many other buildings were under construction that the unbroken sod of the prairie lying between buildings somehow appeared ludicrous, like yawning gaps between a baby's teeth.

With the boom in Ellsworth came the usual contingent of bawdy house operators, male and female, and a coterie of their trollops and pimps, gamblers and thieves. Most of the deadfalls were lodged in frame houses and a few soddies that stood back from the main street a half block, the tiny cribs wide enough for a door and two windows, a parlor in the front for "entertaining guests" and a bedroom at the rear "for business." An enterprising female, during a lush cattle season, might average well over a thousand dollars a month. From this amount, however, she was obliged to pay rent to the Ellsworth businessman who erected her shack as well as to pay the levy the authorities set for permission to operate her trade, the world's oldest profession. But bad as was Ellsworth, in the boom, Nauchville, a village to the east a half mile down the river was even worse. For there were welcomed with outstretched arms the derelicts and dregs sloughed off by Ellsworth.

Ellsworth, at the time, was asserting her economic reason for being, proving that freight costs per car to the Kansas City market at \$35 only equalled the amount per head of \$1.50 for trailing the animals to the new cowtown from Texas. Thus Olive steers, bringing from \$5 to \$10 per head at the Olive Pens in Texas, now brought \$20 to \$25 per head, a gain of \$15 per head, or \$45,000



gross profit on a herd of 3,000 head! A drover could well-afford the extra \$1.50 per head freight, if he decided to ship to the market and accept the extra risk.

Holding back his sale for three weeks gained time and money for Print, and on July 20, following the sale of the herd, he engaged in a friendly card game at Nick Lentz' place with Gene Lyons, two businessmen, and James Kennedy, the son of Mifflin Kennedy, well-known cowman from Corpus Christi. Kennedy was a swarthy complexioned young man with coal black eyes. He was said to be the son of a Mexican woman and had been in Ellsworth several weeks, gambling with the Texas drovers and taking money in questionable card games. Like most crooked gamblers, Kennedy trusted no other man's deal and within an hour had received a sharp cursing from Print by questioning his dealing. Print was wearing his gun and Kennedy was unarmed. The other men, including Gene, warned against a fight and Kennedy stomped from the saloon angry and spouting a warning back over his shoulder that "there will be another day."

The quarrel brought an end to the game. "Come on," Print said to Gene, "let's get away from here before something happens." The two walked over to the Drover's Cottage where they shared a room and Print stretched out on the bed for a rest, studying the ceiling. Within a few minutes the city marshal, J. L. Councell, and the sheriff, Chauncey Whitney, appeared at the door. Gene brought them in and Print sat up on the edge of the bed to talk. The marshal questioned them about the argument at the saloon. Print sketched in the details for him, telling of Kennedy's accusations that ended the game.

"I called him a rat-eyed son-of-a-bitch and warned him I would have shot him if he had been armed," Print said. "I told him to cash in his chips and leave, that I wouldn't under any condition play with a chicken-hearted cry-baby that called himself a gambler." Gene told of how Print had won several large pots from the young Texan, the last hand by bluffing him out and then showing him the bluff cards.

The Marshal nodded. "He's a bad one," the deputy said, "his

father kicked his ass out a year ago, so I'm told. He's been here at Ellsworth several weeks, living off the Texas men."

"If he can't play poker any better than that, he'll starve to death," Print said.

"Possibly," said the Marshal, "but he's a bad one, Mr. Olive. You stay away from him while in Ellsworth. I'll tell him the same thing. I don't want a killing—haven't had one yet this season. Just a friendly warning." Print nodded.

When the lawmen had left, Print turned to Gene. "Gene," he asked, "did it ever occur to you that it would make a man happy to kill me—maybe a man that never saw me before?"

Lyons stopped trimming his nails with his jackknife and looked down at his boss, reclining again on the bed.

"Print, we've all thought of it—every man in the outfit's talked about it but you! But we try to watch out for you." Gene's eyes twinkled and he laughed his short chuckling laugh. "Fact is, we're just like a goodam bunch of little guardian angels!"

"Well, if that's the way it is, it'll be a hell of a life to live out to a ripe old age," Print commented glumly.

"It'll take some doin'," Gene said solemnly, "some doin'." Then he turned to Print and said with some animation, "Print, don't you ever let one of that kind catch you without your six-gun—and alone."

"I ain't fixin' to," Print answered him.

"Just a friendly warning," Gene said, closing the matter.

After a noon lunch, the two sauntered into the Ellsworth Billiard Saloon. Though not the largest in the town, the Ellsworth was a credit to what some of the other drinking places were like. The business occupied a single large room, down one side of which ran a three-quarters length bar. Card tables were scattered along the other side of the room. At the rear was the "bull pen," a locked cage, enclosed by strong iron mesh-wire where the worst drunks were put to keep them off the street. Over the long bar hung an eight-foot spread of twisting, steer horns, mounted on a black leather shield that proclaimed "Allegiance to the Union" with ornamental silver chains suspending the longhorns from the ceiling. In bas relief on the shield was carved the images of Abraham Lincoln and Ulysses S.

Grant. "Biggest steer horns in the world," the bartenders would proclaim them, when questioned about their length by the Texas waddies.

"Hell," one Texas boy remarked, "we got yearlin's down near Lampasas twice thet long an' twisted like candy at a taffy pull."

At the Ellsworth Bar every man was required to check his six-gun and skinning knife before entering into play at the tables. Only a few men, well-known to the bartenders or management, escaped this house rule, and the backbar was usually a pile of belts, holsters, knives, and ammunition, with the well-worn gun butts protruding menacingly from the stack of arms.

Six tables of draw and stud poker were running in the space between the iron army stove at the front and a second at the rear. Two large disc-type music boxes graced the room at front and rear, both silent as the men concentrated on the games. Print and Gene sat in when two players left. The stakes were running higher than usual, the drovers feeling affluent following the sale of their herds. It was an agreeable table, the six players spontaneously making the most of the game as both a recreation and social diversion, joking with each other, talking, calling up the many familiar phrases, patter, and images of the game of poker as they played. It was the sort of game Print Olive loved, good fellowship, honest play, a matching of wit, the ribald good humor of the cowmen and the uncertainty of the fall of the cards. To men the tenor of whose lives was that of daily uncertainty, the card games in the trail towns maintained the familiar tension and expectancy of their work-a-day lives.

The card play had proceeded about an hour when Nigger Jim and Albert, the vaquero, walked along the board sidewalk in front and peered into the saloon. Seeing the boss playing, they took seats at the front where they could look through the open windows to watch the game in progress and still have a good view of the main street and the activities thereupon. For one of the greatest pleasures of the lonely trail men was to carefully study the ways of the townsmen when at the trail's end.

Within a few minutes of the time they sat down, Jim Kennedy, with whom Print had quarreled that forenoon, came by the saloon, peered through the window, cupping his hands to his eyes to see into

the dark room, then quietly entered. Knowing nothing of the quarrel of the morning, the colored man and Albert continued to enjoy the street scene before them.

Upon entering the room, Kennedy walked directly over to the backbar, picking up a revolver from the stack. He expertly checked the cylinder and turned a fresh cartridge under the hammer. With the gun cocked, and at his side ready for instant use, he approached the table at which Print Olive and Gene Lyons sat playing. No attention was paid Kennedy until he spoke. Then the men at the table turned a questioning eye to him. With that, Kennedy turned the revolver on Print and commenced firing. "You son-of-a-bitch, now *you* can cash in your checks," he screamed at Print.

Kennedy's first bullet hit Print in the hand, dashing the cards to the floor and table. The second bullet struck him in the groin. Kennedy continued to fire, the third bullet hitting the helpless Print in the thigh. As Kennedy was pulling the trigger for the fourth shot, Nigger Jim suddenly turned, saw in a glance the man standing over Print with the gun, and pulled his own revolver, firing from a sitting position. Jim's bullet struck Kennedy in the thigh, knocking him off balance and saving his boss' life. A hard blow to the head from one of the drover's fists knocked Kennedy to the floor and his gun was jerked from his hand.

Print was placed on the table top and a doctor called. The wounded Kennedy was taken to the jail. Two doctors arrived at the same time, bearing the whimsical names of Dr. Duck and Dr. Fox. Print was immediately taken to a private home where the pair began probing for bullets. For thirty minutes they worked over the suffering man, finally pulling only a jagged piece of broken watch chain from the gaping hole. In his agony, Print now began cursing the pair for their clumsiness, discharged them, and ordered the householder to bring another doctor. This was done in a few minutes. This physician, a Dr. Minnick, soon took two of Kennedy's slugs from Print's body, stopped the flow of blood, and put him to bed, unconscious.<sup>5</sup>

For a week Print lay between life and death. The wound in the groin, a particularly ugly one, was made doubly dangerous by the watch chain which had been driven into the wound and which had

not been removed, neither by the first pair of probers nor by Dr. Minnick. A second attempt by Dr. Minnick resulted in all but a one-inch piece being extracted. The rest, he told Print, would have to remain in the wound until such time as skilled surgery could be performed under the best of clinical conditions, lest the wound be poisoned and complications result. Print agreed.

One day when Print lay propped up on two pillows reading in the big Bible Mrs. Gore from the Drover's Cottage had provided him, Dr. Minnick called for a brief examination. After checking him over, the doctor smiled. "Your injuries are all healing well with the exception of the wound in the groin," he said. "I suspect we shall have to change your name from Isom to Jacob to effect any real progress."

The doctor's frame of reference was a Biblical story Print had read a few days previously and had mentioned to him. It was the story of Jacob wrestling with the Angel until the Angel touched Jacob's groin, withering the sinews therein and causing him afterward to limp. The doctor had rather remembered that the Angel's touch had only thrown the hip joint out of its socket, and the story had provided them both amusement at the time.

"Well, I don't know, Doc, whether this groin wound will cause me a limp or a change of name, but I'm goddamned sure of one thing—I'll be the first cowboy to straddle a gold watch chain up the Chisholm Trail!" Both doctor and patient laughed.

Print's would-be assassin had escaped from the jail and was not seen again at Ellsworth. But Kennedy made a final appearance in history when he murdered the unfortunate singer, Dora Hand, at Dodge City, six years later. Dora was sleeping in Dog Kelley's bed that night. Kennedy, attempting to kill Kelley, who had thrown him from his saloon a few days before, shot through the wall and Dora caught his bullets in her white body.<sup>6</sup>

As Print lay convalescing, he read much from the big Bible the landlady provided him, pondering whether his own life would extend at length as did that of the venerable patriarch Jacob, a life that his own seemed to parallel in some respects. As he read, Gene Lyons' friendly warning came back to him. No, he thought, I must never be caught without my gun—and ready.

## Chapter X

Gene Lyons and Albert Herrera brought the wagon and equipment back from Ellsworth, the gold coin secreted in the false bottom of the big oak wagon Aaron Williams, the Georgetown blacksmith, had built for Print. When he was able to travel Print returned by train, accompanied by Nigger Jim Kelly, who had remained with him through his convalescence. Jay met them at the McDade station. It was late September.

Print had lost the entire summer's work, but Jay had kept their outfit riding for cattle. As the buggy, driven by Uncle Arnos and with Jim riding in the front seat, rolled toward the Olive Community, Jay filled Print in on the family affairs. By a strange, but joyful, coincidence, Louisa had borne a baby boy on the same day Print was shot at Ellsworth. She named the baby Harvey. Jay's wife just three days later, came through with a baby girl, Isabelle. "That was one in the pen and one in the chute for us," Jay laughed in telling of it. And he recalled that night, just a year before, when they had arrived home late from a cattle drive and threw their bedrolls on the grass in front of the ranchhouse and went to sleep. Before daybreak the wives had detected their presence, came out to greet them, and spent the balance of the night with them in their fetid suggans. What a celebration and homecoming it had been! Now both Print and Jay recalled the date. It had been November 1, 1871. A good calf crop always followed the return of the sires, the cowmen said.

This, today, was a different homecoming, thought Print as the buggy pulled up before his home. Louisa met the buggy at the gateway, two-year old Tommie clutching at her skirt. She helped Nigger Jim and Uncle Arnos lift Print down from the wagon seat. Tears washed down her face and she stood mute as Print leaned over painfully to kiss Tom and pat his head. Billy came running

from the ranchhouse, clinging tightly to his father's knees until Jay held him up where Print could kiss him and nuzzle his ear with his lips. Louisa led Print to the house, holding him by the arm, and offered him a chair. But he did not sit down, and suddenly Louisa understood and took him by the hand, leading him to a cradle in the corner near a window. There Print leaned over the new baby, Harvey, and kissed the soft, downy cheek for the first time.

"Sure is an Olive," he commented, fighting hard to conceal his emotions he felt at being back in the bosom of his own loving family. "Looks just like his granpa."

"He is a lovely child," Louisa said, glowing under her man's approval, "and I never cease to be awed by it all." She deftly adjusted the baby's blanket as Print ran his arm across her shoulders and drew her to him. Their embrace was long and silent, great sobs shaking Louisa's shoulders.

"I'm so grateful to God that you came home again, dear," she managed. He held her tightly to him, both silently searching for the reason why he had been permitted another chance at life.

While other men continued the cattle business that autumn, Print remained close to the house while the ugly wound in his groin slowly healed. "I'll make it through to grass," he told his father.

By November he was able to take short rides on horseback, though he now sat his horse heavily in one stirrup to relieve the pressure on the scar tissue in the groin. In a buggy trip to Georgetown, he followed the family pattern, registering a cattle brand in his own name. The brand was composed of his two initials, IP, with Louisa's initial added to indicate a joint ownership—IPL.

"What I can't see," Bob teased them, "is why you two don't just write on their hides with a hot iron 'Prentice Loves Louisa.'"

"You mean like on a lace valentine?" Print grinned, "with an arrow running through the heart?" But years later at Dodge City, Print would remember the suggestion and register the Heart Brand on the Sawlog.

The holidays came, and Christmas proved a happy time with all the menfolk safely home from the trails. Print and Louisa were now in their own home, with a family of sturdy boys. For the annual Christmas party, all met at Jim Olive's home. Betty played the

organ; Uncle Arnos was invited in with his banjo to sing and play his merry songs, in the words of which few could find meaning:

Up an' down de city road, in and out de Eagle,  
Dat's de way de money goes—Pop! goes de weasel!  
All about de hominy pot, de monkey chase de weasel,  
An' dat's de way de money goes—Pop! goes de weasel!

Jim Whitehead brought his “squealer,” a tiny accordion from which he extracted sweet music, playing such tunes as The Bonnie Blue Flag, Dixie's Land, The Unlucky Dog, Black Jack Grove, and My Old Kentucky Home. Two tight circles of square dancers swayed and stamped and whirled to Jim Olive's fiddle, with John Saul playing a sharp and fast second. The Marvel Madison Olives, distant kinfolks but close neighbors, stopped by and joined the festivities. The John Sauls came by for a visit of an hour. Later, members of the Kuykendall family showed up, Greenup, Print's friend, staying for the evening. The W. T. Averys from up Brushy Creek stopped for an hour, as did members from the Lawrence, Gardner, and Abbott families. It was an evening of levity, dancing, and taffy-pulling, the honey for the candy's sweetening being commandeered from the hives of Uncle Gabe Hamilton by Bob Olive and his cousin Marve.

Mid-evening, Captain Frederick Wade stopped by on his rounds of the Shiloh and Olive neighborhoods. Encouraged by a tall glass of applejack and the approval of the menfolk, Wade recounted some wartime experiences. Once, while telling of friends made during the terrible war years and the hard period of reconstruction that followed, Wade turned Print's ears red beneath his swarthy skin with a statement of friends made in their community.

“Print Olive, George Morrow, and Frank Condron are amongst the best friends I have ever known, as well as being three of the most gallant Confederate soldiers that ever served under a Texas flag,” Wade testified. Then he put his arm around Print's shoulders while Print glowed with pride at the tribute paid him.<sup>1</sup>

Wade related an incident of his furlough, following the retreat of Sibley's army from New Mexico of which he had been a part, commanding a battery of light artillery. “Back home, we had a big



party that night," he said his eyes misty in reverie. "Marc Olive, Alec Blount, and I were there. The girls showed us two piggins of honey cookies and we ate them all! Those girls wore shoes of coon skins, dog hides, and squirrel hides. We sang songs, played Snapp and a dozen other games in vogue at that time. Print here remembers them." Print nodded, agreeing.

"Well," Wade continued, "we were to start to Cornhill that morning. It was the rendezvous for our Regiment. The horses were saddled at daylight and the girls rode with us to the Hogan Crossing. On reaching the parting place, we all got off our horses, joined hands, and sang that blessed old hymn, 'God Be With You 'til We Meet Again.' Then we bid the girls goodbye. If there was a dry eye among the sixteen of us young folks, I didn't see it. Some of the girls rode off with their heads in their hands. Three of the eight boys there with us that night never saw their sweethearts or mothers again."

The old soldier wiped a tear from his eyes with his handkerchief. As he finished, there was total silence in the big front room as the gay party had stilled in silent tribute to the memory of their war dead. Betty and Alice sobbed in their handkerchiefs. Even Print blew his nose loudly to shake off the melancholia Wade's story had stirred within him. Old Jim Olive, after a brief silence, started a lively melody on his fiddle, Uncle Arnos breaking in with the twang of the banjo, and Jim Whitehead "ridin' hard on your heels" with the notes from his accordion.

"C'mon folks! Jine hands! We'll sing that old song later like your Uncle Fuller Wade never heerd it before!" Jim Olive announced.

Print, caught up among the happy dancers, knew one thing: He would never, could never, be moved again emotionally as had Wade's simple recounting of the war-time farewell moved him that night. Not even when the old hymn was sung by all as Wade stepped through the door and out into the darkness of the night did Print feel the curtain of his war-time memory fall back from the many scenes of those hard years. He had never known what a furlough was like. He had never even received a discharge from the Confed-

eracy. His war had been all sacrifice, blood, and danger; now it had to be forgotten.

Then the good Christmas party was over, the guests departed, and the family resumed its quiet life. But Olive family life never again was to fall into its simple, stable pattern. An undercurrent of friction between the womenfolk developed, just as the brothers each, in turn, adopted separate brands. There was a disintegration of the Brotherhood, Print felt, less of the collective spirit, more of the drive for selfish personal gain. Ira's proud wife, Lou Westbrook, whom he had courted and wed two years before, looked down upon her more homespun sisters-in-law. It had been her idea to separate Ira's estate from the rest. And Jay's ambitious wife, Miria, was happy to follow. As it happened, Jay had been the first to break the family pattern and register his individual brand in June, 1869. Ira followed with his first brand in 1870, an IR Bar. Now Print had followed.

Louisa cared little how a cattle business was operated or conducted as long as her husband was happy. She knew the penalty for weakening the family organization, even as he feared it, sapping their strength at a time when solidarity was so important in their struggle against the Yegua and Knobs gangs. She had her own calm and certain belief, unshakable, that God's will would be done. So she readily agreed when Print suggested they register their own brand as the others had done. The previous July Ira reregistered his brand. Bob, two days later, made application for his separate brand, an MT Connected.

"I guess it's to be 'every man for himself,' " Print told Louisa. But he wondered what the outcome would be.

Print's military experience had taught him the power of organization, the strength of group unity. Now with the women's squabbles and the men's concentration upon their own separate herds, he felt their strength might be lost to themselves as Samson's strength had been sheared from him by Delilah. The great wealth, so easily won, now threatened to destroy them as a family unit, members as well as neighbors becoming infected with jealousy and reaching out farther and farther for personal wealth. Already in Austin, he had heard, the cattlemen were attempting to control their state government. Such grasping for power through wealth could bring good

to no one, Print knew. Riches corrupted the individual and state alike.

The Turners and Crows to the south were some of the jealous ones. When Bill Turner was killed in a saloon brawl at Sam Haynes' place, Aaron Williams asked Print and Jim Olive, "You hear about your good friend Bill Turner?" Neither of the Olives knew. Then Williams said, "He died of lead poisoning." When Print later discussed this with his father, Jim Olive clucked sympathetically, "Old Bill Turner warn't as bad as some Turners. Many ways better'n' his kin."

Little sympathy was wasted by an Olive over a Turner or Crow when every cow they found butchered in the brush, bearing an Olive brand, was thought to have been butchered by a Crow or a Turner. But theirs was small-time thievery, Print knew. The real danger was on the Yegua and the Knobs areas. And that was where their attention focused. But as in most catastrophies, when the crisis came, it was from another direction, in fact another source. It was the national economic collapse of 1873.

To a generation which had never known business stagnation and financial panic in their adult years, the secondary post-war depression struck like a blow of an axe. It was a railroad age, following the completion of the Union Pacific in 1869. In spite of the fact that Texas drovers now moved their herds hundreds of miles to the railheads, railroad construction had outstripped the actual needs of the sparsely populated west. Railway promotors and speculators had been joined by town boomers all up and down the ribbons of steel, and all were in the boom up to their necks. There were widespread speculation and loose credit. The currency of the country was in a chaotic condition, and the premium for gold constantly varied. In September of that year, Jay Cooke & Company of Philadelphia failed. This was the most active and conspicuous financial house in the nation. Remote though it seemed from the Olive Community in Texas, it acted as a signal for the unloosening of universal distress, in the brushy thickets as well as across the total width of the Great Plains. Twenty percent of the railroad investment of the nation was wiped out and sold under foreclosure. Rumor followed rumor and the country sank in apathy. In the case of Credit Mobilier, that

great financial organization formed to build the Union Pacific railway, a series of disconcerting scandals followed.

Cattle prices fell to the bottom almost overnight. Most drovers and ranchers, with cattle on hand and money tied up in broken banks, failed. But still the Olive luck held. The big herd Print had marketed at Ellsworth the previous summer yielded the gold coin needed to pull the Olive brothers through the panic. Though they lost some of the gold "borrowed out," Jim Olive had thoughtfully hung an iron kettle of gold coin in the old well at the Olive ranch. This gold enabled them to preserve their herds, expand their operations, and continue to pay men to hunt cattle in the brush. And it brought them recognition as one of the better-financed cattle outfits in that section of Texas.

That spring, Jim Olive sold 2,000 head of coming two's and some mixed cattle to John Iliff, Colorado cattleman. With this herd went cattle from nearby ranchers, the JK's of J.M. Kuykendall and the KJ's of Sally Kuykendall, both of Lee County. C.B. Lawrence sent up some of his TV Connected yearlings, and Snyder Brothers had a couple hundred head of their JF Connected cattle in the herd. Alice Olive's husband, Tom Smith, sent some NR Connected steers, and Greenup Kuykendall, who had ridden north with the Olive Brothers in previous years, put in some of his AK yearlings and coming two's. The drive started from Sparerib Creek, near Marble Falls. John Gatlin, a top hand who had joined the Olives the previous spring, was trail boss.

When the trail men returned late that summer they told of the rich Colorado range and the possibilities of ranching there as Iliff had done. When Gatlin told Print that Iliff ran 25,000 head of cattle on free range without trouble from rustlers, Indians, or beef thieves, Print was interested. Later that summer Bob Olive returned from a Colorado drive, and he repeated the stories. Print reflected on the matter. The Olives had frequently had ten thousand cattle on the trail and another five to ten thousand branded and running in the brush. If Iliff was considered one of the "bigger" cattlemen—then perhaps the Olive Brothers might one day spread out a little more and become like Iliff, regarded as one of the biggest. But

Print never knew the vast extent of Iliff's holdings until much later.

"Print," his father said one day, "Bob's carrying that six-shooter of his'n everywhere but to church with him. He'd no doubt pack it there, if he ever went. Speak to him. See if you cain't do something about it."

Print exacted a promise from Bob not to wear his revolver openly, in a belt holster. Then a brush with rustlers on the Yegua changed Bob's mind.

"If you can't get to it, no use wearing it. From now on I wear 'Lulubelle' outside, wherever I go." He patted the new Colt .44 that fired shiny brass cartridges, which looked so well in his black belt. Print said no more. But one day Sam Strayhorn, the sheriff, arrived, carrying a warrant for Bob's arrest "for carrying a six-shooter."

"I'm sorry, Print," the sheriff apologized, "but there's been a complaint filed against Bob."

The matter went deeper than that, Print knew. There was more than just Bob's desire to be armed against danger. All the youths around the country, from the good folks of Brushy Creek to the boys at Georgetown and Austin, had been too young to take part in the war and they now sought to create an exterior appearance of toughness to match the real hardness of the nature of their brothers and fathers who had seen war and killed. Youth was dangerous. This, both Print and Jim Olive knew. Print recalled how Bob, at eleven, had turned away from the spaying of a malformed heifer and puked his way up the path to the ranchhouse and his mother. Print doubted not that this same boy, now grown taller, could shoot a man between the eyes, splatter his brains against the corral posts, and not suffer a single pang of remorse. From his own wartime experiences he knew that youth was more competently dangerous than the adult. Youth's reflexes are sharper, more certain to respond to the meanest command from the brain when there is no halter on emotions. The military leaders of all time knew about youth, and built giant organizations of destruction upon this simple premise, turned simple peasants and cowboys into seasoned killers. Print recalled how he had felt at Vicksburg, wearied by so much killing in

the previous year that he more often shot at the legs of men to cause wounds than putting the bead on the vulnerable stomach or breast. And he remembered how joyfully the Confederate infantrymen let the Yankee, who bore the Illinois colors, live to cross over into their rifle pits, any one of a hundred guns of which could have killed him. "He's too brave a man to die—let him come in," was all their captain had shouted to his men. Yes, men had to be trained to hate.

Now here was his brother, Bob. Bob was making enemies wherever he went, shouting accusations at everyone he met in the brush along Yegua creek. And Bob was making enemies of the young German farmers, by contesting with them for the German frauleins' attentions. Bob hated the Old World peasant servility of the fathers and mothers, their slave-like demeanor on the one hand, wife following behind her husband like a trained dog, and their effort physically to dominate on the other. It had been the cunning of one old German which now cost him \$25.00 fine in the case of "carrying a six-shooter." Later, when he had beaten that same German farmer over the head with Lulubelle's snout, the act cost Bob's father \$300.00 more. Three hundred dollars was a figure Jim Olive didn't care to pay for Bob's playfulness.

"Let there be no more of this work," his father warned him. "You might have killed that Dutchman."

"That was pure oversight on my part," the unrepentant Bob muttered, "I tried as hard as I could."

Throughout 1874 and 1875 there was more and more trouble over cattle rustling. "The Olives are in and out of court as much as I am," the bailiff complained to the judge of the district court at Georgetown.<sup>2</sup> Jay had won a civil case. Print had a case of "assault with intent to murder" dismissed by the district attorney. Strangely, between these sorties into court both Print and Jay served on the jury panels with neighbors and friends, an indication of the friendliness of the courts and people toward them in their battle against theft.

One day Print and Jay overtook three riders driving Olive cattle out of the county. They ambushed the trio, badly wounded one of the men, W. H. McDonald.<sup>3</sup> They had the wounded man taken to Jay's home and his wounds treated. Within a few days he had

promised to leave the country. But within two weeks of the day he left the Olive ranch, he appeared at Georgetown and brought charges against Print for "assault with intent to murder," and charges against Jay of "assault and battery." The two companions, who were left dead on the scene of the gunfight, were not mentioned in the indictment, though doubtless both their names and identities were known to the district attorney as well as to McDonald, Print thought.

The indictment was brought by the grand jury on July 1, 1875, and Print and Jay stood trial September 17, that year. Jay agreed to plead guilty to simple assault and was so charged. He was fined \$1.00! Then the indictment against Print suddenly disappeared! "Lost or stolen," the records blandly stated.

At the newspaper office Print told the editor: "There isn't a jury in Williamson County that will convict a cowman for killing those attempting to steal his cattle. The District Attorney knew that, and he has hidden the papers rather than to lose his case openly! Even now, they are passing around the story that we Olives stole the indictment. What nonsense! How could we have come into possession of those papers in the district attorney's possession?"

No one knew the answer. But it brought no end to the cattle wars. The organized bands of thieves operated in Bastrop, Milam, and Lee counties as well as in Williamson County. It was a war for survival on the part of the established cowmen.

"More men have been killed over rustling in Texas this year than were killed in the war," observed the editor of the *Austin Statesman*. On September 1, 1876, the paper stated, "A gentleman from Circle-ville says twenty-one men were murdered in Williamson county last year." Print led the Olives in the cattle war, and the Olives led the fighting in Williamson County. Cattle was big business, and the business drew the thieves as the big herds drew the lobos to prey upon the weak cows and the calves.

The small settlers, now appearing on the scene, added their numbers to the troubles in one way or another. Print and his men frequently found an Olive-branded animal with the hind-quarters gone, neatly sliced away with a Bowie knife.

"Why don't the bastards kill mavericks," he once exclaimed.

"Why should the dumkopfs shoot down our branded steers and let the slick ones run to the brush?"

"Shoot a few Dutchmen and they'll stop," Bob recommended. But Bob's six-shooter school of justice was too raw for Print. The roots of lawlessness on the frontier could be understood, Print thought, when you remembered how the Indians raided and killed. The white men had learned from them. Most of the white men nearby, who were friendly to the cowmen, could be dealt with in the daytime as friends. But there were some who, by night, would blacken their faces with lamp black and ride and stampede cattle for the few small bunches that could be picked up the next day and driven away while the drovers or cowmen were confused in reforming the herd. The simulation of Negroes by the cow thieves riled Print more than any other action. But the six-shooter alone could never restore law and order to Texas, Print knew. And he worried about Bob's hardening attitude against the settlers as well as the Yegua and Knobs rustlers.

Bob had now selected a prime target—Cal Nutt, whom Bob maintained was the head of the Yegua mob. Nutt had been in the country several years, never worked, always lived a life of ease. He was a footloose wanderer, flotsam from the war thrown up on the Yegua beach. The gang with which he operated was composed of some of the most ruthless outlaws in Texas, with new ones coming and going all the time with the movement of stolen livestock from one direction or another.

To counter the activities of the Yegua thieves, Print had made the acquaintance of two young settlers on the Yegua who had a small bunch of cattle and were also bothered by Nutt's gang and others. The two settlers were Jonah Bryant and Henry Hoyle. They established themselves as a listening post and kept Print and his men informed on the movements of the nearby thieves. Billy Seymour, a young deaf mute, became their courier. Late in February, Seymour brought Print the word that the outlaws planned an assembly of their leaders at the Rock Saloon at McDade, south in Lee County. When the Brushy Creek cattlemen learned of the meeting, they encouraged the Olives to ride in on them and stamp out, once and for all, the gang leaders. Bob was all for action. But Print and Jay,



after a talk with Jim Olive, turned it down. Both hoped to avoid more bloodshed. The attendant publicity would be disastrous to their cause, and a trial in the Lee County court offered no assurance that justice would be done in any case. Instead, Print called on his brothers, Jay, Ira and Bob, and the four carefully scouted McDade, then rode in when the meeting was at its beginning. They entered, to the surprise of all, and there in a swirl of tobacco smoke, Print gave them a straight talk. Any man caught driving an Olive-branded cow or riding an Olive-branded horse would be shot on sight, wherever he was on that range, Print told them. He gave them an "infantryman's blessing," which is to say a solid cursing, then he and his brothers left. As they rode back along the trail to the Brushy, Bob filled Print and the others in on the men they had encountered at the saloon.

"That big one in the fancy vest was Cal Nutt. The gotch-eyed feller at his right was Gus Zeitler. Dock Kelley was at Zeitler's right and his brother, Lawson, was the one standing at the end of the bar, pickin' his nose," Bob explained.

"That Lawson Kelley looks like a nigger," Ira observed.

"He is," Bob answered, "he passes. So's Dock his brother. And there's a third one, Frank, a mulatto—has a small ranch down West Yegua, but he don't run with this pack."

"Is that one of the Zeitlers that live northwest of us?" Jay asked.

"No, he's just another outlaw—a Dutchman, though," Bob said.

Print rode silently toward home, making an appraisal of his brothers. There was Bob, who knew all the rustlers personally, and sometimes acted like them himself; Ira was cold by nature, logical, inclined to stutter when excited, dangerous to quarrel with; and Jay, calm by nature, the best-liked of all because of his good nature, yet the most dangerous of all if imposed on. And there was Marion now growing up. What would he be like? Print asked himself. Whom would he resemble?







The quartet rode in to Jim Olive's ranch that night, bunked out of the rain in the old store building until daylight. After an early breakfast they held a family meeting. Following the meeting the four brothers set off for the county seat at Georgetown. Early after dinner they found Sam Strayhorn, the sheriff, at the courthouse.

Print and Strayhorn shook hands. They were good friends, brothers in the Odd Fellows Lodge.

"Sam," Print began, "something's finally got to be done about rustling down our way. I have a notice here that we're going to run in the *Record*. If the law can't protect us and our property, we've not only the right but the obligation to do it our own way. We don't want bloodshed, but by blood, if we have to we'll shoot a few of those bastards down there and clean up their mess!" Print passed over a sheet of paper to the sheriff. Strayhorn unfolded it and read:

### PUBLIC NOTICE

All horse and cattle thieves pay attention. Any one caught riding an Olive horse or driving an Olive cow will be shot on sight. Our brands, legally registered in Williamson County, Texas, are as follows:

Name	Brand	Position	Earmark
James Olive	LB	Cattle: l.s.	
		Horses: l.h.	
Prentice Olive	IPL	Cattle: l.s.	
		Horses: j or	
	Half Circle	r.h.	
Thomas J. Olive	6	Cattle: l.s.	
		Horses: l.s.	
Ira W. Olive	IR	Cattle: l.s.	
	Bar	Horses: l.s.	
William Olive	IP	Horses: l.s.	
(Son of I. P. Olive)		Cattle: l.s.	
Robert A. Olive	MT	Cattle: l.s.	
	(Connected)	Horses: l.s.	

After a careful study, Strayhorn folded the note and handed it back to Print. He filled his pipe as he surveyed Print's smoky black eyes, then he spoke, quietly.

"It's pretty hard talk, Print. I wouldn't publish it if I were you boys. It appears to me that you're just asking for more trouble, and God knows you folks bin havin' more than your share."

Jay spoke up quickly. "What in hell we going to do, Sam, let them run us off the place?"

"I sympathize with you in the loss of your stock," the sheriff continued on, carefully picking his words. "My office is trying to help you. But this isn't the lawful way, Print, to take things in your own hands. Now is it, Jay? Folks will think more of you if you abide with the law. You've always bin a decent, law-abidin' family, Print. We all think well of you. Tell what I'll do. All these thieves show up sooner or later at my office. I'll tack this notice on my bulletin board. Word will get around soon enough—but you won't be in the position of publishing a note askin' for trouble or tryin' to take my duties away from me. What do you say?"

Print looked at Jay, Jay nodded. Their father had opposed their action from the start. So had Ira. Sam Strayhorn was a family friend. Print nodded. "You do what you think's right, Sam."

The sound of Sam Strayhorn's revolver butt tacking up the notice had hardly died away until night riders rode in to James Olive's ranch, hamstringing one of his finest saddle horses and cutting the tongues from two others. The mutilated animals had to be destroyed. Jim Olive was like a mad bull, bellowing for a fight when Print saw him. Again they met at the old store building.

"Boys," their father told them, "I want every one of the evil bastards who cut up my fine horses killed and their lousy hides hung on the barn door. Now I don't want you going away down in their country hunting trouble. But I want them killed if they ever come back here. Cut us up, yes. But by blood! I won't stand for their cuttin' up my fine saddle stock!"

"I can tell you who it was, pa," Bob said casually. He always used the term "pa" when he wanted to irritate his father. Jim Olive peered over at him.

"It was the Cal Nutt gang. Henry Hoyle saw them riding south from here, the morning of the cutting, big snickersnees and cane knives with bloody handles tied to their saddles." Bob always seemed to have the news—and fast.

"Then why didn't someone get them?" his father roared. "I want their hides, no less! Further, Print, if we're going to survive, we got to get the neighbors organized against this sort of thing. We got to plan together to drive these thieves out of this country!"

It was true that there were good, responsible neighbors, both

cattlemen and settlers, who could have stopped, once for all, the rustling and outlawry had they become organized. There were folks like E.E. and F.N. Stiles, cowmen who were dickering for 10,000 acres of prairie land north of Brushy Creek, near the Olive Pens.<sup>4</sup> There were men like Greenup Kuykendall, and their brother-in-law, W. Tom Smith, another Confederate veteran. There were the Sauls, the Pumphreys, the Morrows, the Littins, the Lawrences, the Averages, the Abbotts, and many other fine families who would fight for what was right. Organized, they would have made a formidable force. But it was an age where every man turned to his own interests, "stuck to his own knittin'," the womenfolk termed it. And Print knew that in this world there was nothing so independent as an independent cowman when the season was wet, the grass tall, and the beef market high. He had read how a Wyoming cowman's group had organized and licked the petty rustling, and he wished the Brushy Creek men could do the same. But he had learned to rely more upon his cowboys, as a soldier relies on his own military small-unit group. And the time for organization passed by.

The Olive herd, sold down in 1872, was well-rebuilt by the spring of 1875, principally through purchases from the small cowmen of the area but also through stepped-up cow hunting. These constant excursions into the brush brought on a whole series of small fights, bushwhackings, and hangings. A few "congenital cow thieves," the *Austin Statesman* called them, had been strung up from time to time in the Post Oak area. Some was rumored the work of the Olives. That old law of the range, "You treat me right or we'll have trouble," still was followed in the Olive Community.

In the weeks that followed, many names were suggested as those of the cutthroats who had hacked Jim Olive's horses. The names of Cal Nutt and N.B. Ware, a young man who cow hunted with Nutt's men, were frequently mentioned. The vicious mutilation of the stock had set Bob Olive and his pal, the hard-eyed, gun-packing Sam Carr, off on a two man team of judgement, searching for the guilty ones.

On the newly-settled lands north from the Brushy, many new names such as Zieschang, Poldrack, Rothmeyer, Goldstein, and others were coming into prominence, principally as small farmers

and as storekeepers. To Bob and Sam, all these newcomers were under suspicion. While it was true that the settlers did kill an occasional beef to fill their winter larders, they were never considered in the same cut with the bandits and outlaws of the brush to the south. On December 17, 1875, Bob's path crossed that of N.B. Ware, riding along with Pete Zieschang. Zieschang made a run for it but Bob caught Ware and took him back to the ranch at the point of a gun, where Print might question him.

Louisa was outraged when Bob rode into the yard with his prisoner. She quickly saw the purple-blue knot on Ware's eye.

"You silly goose, you," she scolded Bob, "you can't just kidnap a man on suspicion, beat him up, hold him prisoner. What do you think people will say of us?" Bob scorned her advice.

"I want Print to ask this baby some questions about horsecuttin'," Bob replied.

"You'll land in jail for this, Bob—and Print will simply skin you alive for doing it," she warned.

When Print arrived an hour later, Bob met him at the gate and pointed to Ware. "I think I got a horse-cutter," Bob announced, over Ware's protestations.

"We'll go down to the store and talk it over," Print said, looking darkly at Ware.

In the old store building, Print started his questioning of the man. "We got nothing against you—yet. But I want you to give me some truthful answers. What did you have to do with cuttin' up father's saddlehorses?" Ware protested vigorously.

"I hunt a cow now and then, but I work with slicks," Ware answered. "I ride with Cal Nutt's men sometimes. But I got no particular feelin' fer Cal. And I aint a horse cutter, so help me. Besides, they already accused me of bein' an Olive man."

"That'd be a credit to you," Print said, grinning at Bob. "But where were you when father's horses were cut up?"

"I wasn't there, Print—honest to God. I hate a cutter as much as any man," Ware plead.

"But you know who was there?" Print prodded. Ware remained silent. Print stood up, fingered his gun menacingly.

"I asked you a question, Ware."

"I don't like to name names, Print," the prisoner said. "It aint my way."

"You better talk, Ware—while you're able," Bob cut in.

After a pause Ware spoke. "Well, if you won't say I told you, here's all I know. Them Kelley brothers did the cuttin', Dock and Lawson. But it was Cal's idea, seein' as how you threatened him up at the sheriff's office."

"I never mentioned his name" Print said angrily. "We only talked about thieves. The shoe must have fit him right."

"Well, that's what Cal thought."

"Where did those Kelleys come from—Dock and Lawson?" Print asked.

"Down in the Lost Pines, I hear," Ware replied. "I'm told they were run out by the law down there—killed a Fourth Cavalry trooper."

Print took a small glass of whiskey, tossed it down, and handed Ware the bottle and a glass. "Go on," he said, "keep talking."

"Like I say, Print, that's all I know. But I'm not a horse-cutter. I'd cut a man afore I'd cut a good horse."

Print turned to Bob. "You satisfied?"

Bob scowled. "No, I'm not satisfied, but I don't know what I can do about it." He turned to Ware. "If I find any of my MT connected heifers wearing your NB connected brand I'll damn soon know who to look for." Ware's glance met Bob's angry black eyes, and he knew Bob meant business.

"Turn this man loose," Print said. "and see that he gets by the guards up at the Crossing. And you better learn that you can't go about the country kidnappin' men just 'cause you think they may be horse cutters."

Ware arose. "Can I go now?"

Print nodded. "See that he gets home all right," he ordered Bob. Then he walked to the house. Louisa was holding the new baby, Albert, now two.

Print ran a twisting finger through the baby's silken hair as he studied grandfather James Olive's friendly grey-blue eyes staring up at him from the baby's broad face. "Bob's satisfied," Print said to Louisa.

"But are you satisfied?" she asked.

"Yes, that man's caused us no trouble. But he knows those who have." Print pulled off his boots and hung his belt and revolver on the chair back.

"It isn't rustlers that worry me so much any more, Louisa," he said slowly. "It's Bob. He's so bent on stampin' out these thieves that he's all riled up and warped inside. I wish I knew someway to get him away from this cow war for a while."

"He wants to go north again," she suggested, tucking the baby in his crib. Print sat pondering the situation, silently. It might be the best solution, he told himself, to find new range in Colorado, Wyoming, Nebraska. His mind's eye drifted back and scanned a scene he had once viewed in the Platte Valley in Nebraska, buffalo grass fully five inches high, its wooly spears filled with nutrition, and the blue-stem in the meadows wither high on his saddlehorse. It was good cattle country, he recalled, the very best. They could leave the Yegua and Brushy creeks behind, start a new life, new lives for all, away from the horse-cutting, stealing, and murderous mobs of drifters, renegades, scalawags, and carpetbaggers. The thought was a most pleasant one, and that night Print fell asleep on a more hopeful note.

Before he was permitted time to take action on his hopes, Print learned of Bob's marriage. The bride was a charming blonde whose family lived near Dime Box, Lorena Minkler. She was in her late teens, with peaches and cream complexion that appealed greatly to the swarthy Bob. The Olive family immediately dubbed her "Aunt Mink."<sup>8</sup> By November Bob had moved into a new home which he built near the James Olive home ranch. Bob's house faced east toward the Shiloh crossroads. Occupying an eminence where it could be seen from Print's home to the north Bob's location provided a lovely view across a grassy meadow. A field was cleared south of the house for garden produce and oats. A shallow well was completed. Good corrals and a small barn and granary were built north of the house thirty yards. Print heaved a sigh of relief. Bob, he hoped, had settled down.

But peace had not yet come for Robert A. Olive. Within three weeks, night visitors paid Bob a call, blasting out the bedroom

windows with shotguns loaded with Blue Whistlers, within four feet of his new bride's head. That set Bob on the prod again.

In January more court troubles came to harass the Olives. Thomas P. Hughes was the new aggressive attorney for the 32nd Judicial District, which embraced Williamson County, Texas. Hughes drew up a new indictment in the old case in which Print had shot McDonald. Encouraged by the stories that came from the Yegua region, Hughes was now determined to clean up this old case that lay in his files marked "lost or stolen." Jim Olive's disgust at dredging up this old case could hardly be described.

Print heartily detested the district attorney, and he had once publicly called him a "damnyankee" to his face, this at a time when such an insult could have resulted in a shooting. But Hughes had taken the insult as a part of the political campaign underway, probably feeling that he deserved it. For Hughes had campaigned courageously all over the county when the Ordinance of Secession was being drawn up at Austin, fiercely opposing secession for Texas.

"I would rather be a Secessionist in Hell than an Angel in Heaven," Print told Hughes at that time. Now Hughes was promising the Olive enemies he would tie a knot in the Olive tail to stay. But he failed to reckon with Makemson, Print's astute lawyer, and with Williamson County opposition to cattle thieves.

On January 4, 1876, the trial began, charging Print with assault with intent to murder W. H. McDonald. The two main witnesses for the prosecution were summoned—Allen E. Wynn and James Williams. To Hughes' consternation, neither witness showed up in court. Hughes learned later that Wynn was Print's nephew, Williams an old friend. Neither was about to testify against Prentice Olive.

Hughes sought relief from an awkward predicament by quick compromise with the defendants. First he asked Jay to plead guilty to simple assault, Print to plead guilty to assault and battery. He would not press the charge of "assault with intent to murder." Though skeptical, both made a plea of simple assault. The judge fined them a dollar each! And Hughes kept his promise not to press further charges, extricating himself from an embarrassing situation.<sup>6</sup>

The case was won, but the tide was now running against them.



Bob was again in trouble, this time serious trouble. He had found and killed Lawson Kelley. It was a fair gunfight, witnesses said. Bob drew quicker and shot straighter than the rustler. But charges were filed against Bob on January 25.<sup>7</sup>

Lawson's mean brother, Dock Kelley, was now traveling with Johnny Ringo's gang, terrorizing Williamson County and the surrounding area at this time. Dock had learned his trade with some of the toughest outlaws on the border and it was said that he had thirty notches on his two six-shooters. Though Print did not fear for Bob's chances in a Williamson County court, he was greatly concerned for Bob's safety when confronted by the tough Dock Kelley, as surely he would be. He promptly placed a four-man guard around Bob, assigning the fast-drawing Sam Carr to ride with Bob constantly and to put up at Bob's ranch with him. Though the constant attention irked Bob greatly, it narrowed his range for the time being. But it relieved Print's anxiety about him.

Never, with the Olive families, did danger become so oppressive as to kill the joy and spirit of living for them. To their families danger and pleasure were concomitant, the two sides of the same coin. The heavy traffic up the main Chisholm Trail that year had doubled the traffic of herds that passed near the Olive Pens. Many of the drovers and their cowboys were old friends of the Olive men. It was natural, and agreeable, that when the herds bedded near the Olive Community, the families planned a pleasant get-together for the trail men, a dance or lively party. The neighborhood girls would be invited, the Olive girls always attended. Betty Wynn was a pretty widow, in her early thirties; Alice, now married to Tom Smith, was a dark-haired and attractive woman; and Lulu, or "Bug," as the family called her, was now twenty, wooed by Arthur Layne, son of a popular neighbor. Isabelle, the youngest, thirteen and large for her age, was easily the best dancer of the Olive girls, though in poor health. The sons and daughters of the Pumphreys, Laynes, Simmonses, Lawrences, Abbotts, Kuykendalls, and other families could easily be called upon to fill out the circles for the square dances. Many of the trail drivers years afterwards recalled the festivities at Print Olive's home and at "Old Man Olive's ranch" in their memoirs.<sup>8</sup> Always they spoke of the warm hospitality of the

Texas Olives, and the good times they remembered.

After one such occasion, Print and Louisa drove a neighbor girl home about daybreak on a warm March morning. The dances usually were held Friday nights, so the Methodist Sabbath would not be broken, and they danced through until Saturday morning. As Print and Louisa returned home, that morning, they saw two men skulking in the brush. Print hastily saddled a horse and rode after the pair. He failed to come up to the two riders, but he identified them as Turk Turner and another Yegua man, Grip Crow. Grip was recently back from the penitentiary where he had served two years for theft of cattle. The visit of the two thieves to the Olive Community was to have repercussions that would be heard all over the country. Just two weeks later, James H. Crow, Grip's father, and the same Turk Turner were found dead on the prairie in Lee County, just over the line, south of the Olive Community. Both of the men had been shot.

The *Austin Statesman*, which had consistently campaigned for more stringent laws against rustling and for better law enforcement, told of this incident in its issue of March 30, 1876:

Two beeves had been killed and skinned and in the absence of the parties who did it, the carcasses were discovered, and watch kept to see who would return to carry away the beef hides. Finally, the above parties, Turner and Crow, returned with a wagon, and after having loaded up and started away, they were fired upon by parties unknown and both killed.

The bodies were found by the son of old man Crow, who had been sent to look for his father after he had returned from school in the evening. The remains were found several hundreds of yards apart, and the team tied to a tree near which the beeves had been killed.

The marks and brands on the hides showed that the animals were not the property of the men who were hauling away the beef and the hides. Turner had been long regarded as a lawless, dishonest character and a desperado but the old man Crow, though he had a son in the penitentiary, was not so regarded.

The gentleman who furnished us this information says that in the last three or four months twelve persons, all thieves and desperadoes, have been killed in that country within a radius of about twenty-five miles and that a gang of rustlers has not yet been wiped out.

The account was factual and well-reported. But the most bizarre feature of the affair had probably not been revealed to the newspaper by its local correspondent. *The bodies of Turner and Crow had been carefully wrapped up, each in one of the cowhides, with the Olive brands turned out.*<sup>9</sup>

"That's the most fittin' shroud ever used on a cow thief in Texas history," old Tom Smith remarked as they took the bodies to Hog Eye for burial.

Jim Olive heard the account of the killings soberly, then passed his observation to Julia Ann. "It taken a tough man to live in Texas these days," he said quietly, "yes, I believe it taken a tougher man to live here now than it did in them old days."<sup>10</sup>

## Chapter XI

Print and Ira chose a lovely April morning for the trip, then rode to Georgetown to lay in supplies for the trail drive that year. While in the county seat they registered their Road Brand for the year 1876. It was the capital letter H and the figure 4, or H4, a brand that was to endure many years. Print talked at length of the possibilities in the north with cattle and was a little surprised when Ira readily agreed to a move to the northern range. They could follow the new cattle trail that extended north from Fort Griffin to Dodge City, Kansas, crossing Red River near the confluence of its Salt Fork, then traveling north to Fort Supply in the Indian Nations. Drovers were beginning to speak of the need of a "western trail" to the new Dodge City railhead and market. "We'll make 'em a trail if they don't have one," Print laughed, as the trip continued to take on the aspects of a brash adventure to them, the hope for a vast new and productive cattle range the reward for their daring.

The discovery of gold in the Black Hills and the demand for beef to feed the Indians on the northern reservations had created most favorable opportunities for the Texas drovers and Print and Ira hoped to capitalize upon these prospects. When they returned to the ranch they hopefully presented their proposition to Jay. His reaction to their dreams was a great disappointment. Jay was unalterably opposed to leaving Texas.

"No, sir!" Jay exploded emphatically, when their hopes were presented, "I'm not leaving this community. No northern winters for me. I own land here. My family lives here. We've got every right in the world to stay here, and no damned rustlers are going to make me leave here. I'll live here and I'll die here—with my boots on, if necessary."

Print scorned Jay's implication that either he or Ira had been "scared away." "My eyes never lay on a thief my heart feared,"

Print told his brother, "and don't you ever forget that. But look at the possibilities to expand our operations. Why stay here, and be fenced out—or wither on the vine?"

Ira backed Print's opinions, but it was no use. Jay's decision to remain was irrevocable. Now Print realized how deep Jay's roots had been driven into the Texas land. His own army career had broken the hold, he knew. The many trail drives had broken the strong attachment to home and the old land he and Jay had bought from Ad Lawrence. He and Ira must go it alone, and get Bob out of Texas, too.

Jay offered no opposition to their own move, in fact he was most cooperative in getting their tangled affairs straightened out, the herds gathered and branded. It was Print's hope to locate free range where they could run twenty to thirty thousand head of cattle within three or four years. The first herd, a stocker herd with grade bulls, would be drifted north that spring, letting the late calves fall on the bedgrounds and be kept along with the herd. Print carefully selected Barney Armstrong, Will Steers, Jim and Ted Whitehead, Gene Lyons, and Rob Murday, all regular hands, for the trip. He picked Nigger Jim and Leon, a *vaquero*, to handle the eighty-head remuda. Old Sanchez drove one of the "blattin' wagons," as the men called the big wagons that were used to carry the newborn calves until they won their trail legs. A new hand, Oscar Lowden, was picked up at Austin for the trip and with Ted Whitehead handled the drag. Uncle Willy Teabolt, a colored man, was hired as cook.

Though Print had hoped to move in April, it was May before they were on the trail. The herd encountered many boggy crossings that tried the tempers of Print and Ira as well as the men, but finally reached Brownwood. At Albany they joined the new "western" trail that had recently been cut by the hooves of six thousand Ellison & Dewees cattle, ahead of them up the trail. They laid over a day at Fort Griffin, took some supplies, then crossed Red River and pushed on for ten days through the Antelope Hills country without seeing an Indian, though they were in Cheyenne and Arapahoe country. Below Fort Supply a few miles they met a dozen begging Kiowas. Print cut out a lame heifer from the drag, watched as they killed and skinned the animal, packed the meat on their thin ponies

and rode away laughing and chattering, eating the fresh, raw liver like candy.

North from Fort Supply they followed up Redoubt Creek to a sandy but shallow and wide crossing of the Cimarron river, where they entered Kansas. It was the last lap on their trip to Dodge City, the celebrated new town on the Santa Fe railway on the Arkansas river.

The trip had been an unusually uneventful one with good weather and no stampedes. Now Nigger Jim, well-fed and content, composed a song called "Willie the Cook," and he sang it as Jim Whitehead played an accompaniment on his accordion to the music of "Little Old Sod Shanty on the Plains":

Uncle Willie's beefsteak's rare,  
And his butter has red hair,  
Oh, he mixes up his sourdough in a pail—  
—In a Pail!  
Oh, his biscuits they are wooden,  
And he serves SOB puddin',  
But he's never lost a waddy on the Trail—  
—On the Trail!

Uncle Willie's "cathead biscuits" were the pride and joy of every man in camp, light and delicious and palatable, so there was universal laughter at Jim's playing down of one of the better parts of their life on the long trip. Uncle Willie responded with the others.

"Dat's a sho nuff fine compliment, Jim Kelly, an I does 'preciate it greatsome!" the middleaged Negro laughingly told Kelly. "Dat song's as sweet to ears as de 'Texas Lullaby.'" Print and Ira sat with backs to the wagon wheels, their sides shaking with laughter.

The following week the herd reached the Arkansas River and crossed west of Dodge City, the wagons turning into town for the winter supplies they would need, army stoves, winter clothes, flour, salt pork, and a dozen other items including weapons. When the men had all had their fling in the new cowtown, "seen the elephant and heard the owl holler," Print again started them up the trail. He was deeply impressed with the fresh, new country, its grass now untouched since the buffalo hunters had killed off the big herds. Saw-

log Creek wound its way down in a deep defile across a verdant prairie, carrying a sweet abundance of water. Though the prairie land extended in all directions as far as the eye could reach, already the dug-outs and the frame shacks of the first settlers had appeared. There was not the room for a big cattle operation such as he visualized, but Print tucked the memory of this verdant region in a niche in his mind, ready for quick reference when the time came.

While in Dodge City, the news of the massacre of General George Custer and his command on the Little Big Horn first reached Print. He was again reminded of the instability of the tribes on the frontier and the unpredictability of all savages. Touched with their blood, himself, yet sympathetic to them in their charges against the forked-tongued white men, he did not want to place his herds, nor his family, at their discretion. But he took with him, north up the trail, the hopeful image of himself riding across a great prairie that was covered with his cattle, Louisa riding at his right side and the boys, Bill, Tom, Harve, and Al, on his left. Such a location as the Sawlog Valley, or the green valley he saw along the Middle Fork of the Walnut, farther north, would be ideal for a smaller ranch, in event their hopes did not pan out for the larger range.

As the herd was crossing the Smoky Hill River, a messenger arrived, rode up along the herd until he reached the trail boss, who rode a mile ahead. He handed Print a note from the young man, Ham Bell,<sup>1</sup> who ran the wagon yard in Dodge City. It read:

Deliver to I.P. Olive—

Mr. Olive: This message came to you through the city marshal's office last night. I thought you would want to see it so am sending it with Tom Wray, a friend of mine who is going north to Nebraska.

H.B. Bell

Attached to the note was a telegram as decoded and written by the Atchison, Topeka and Santa Fe telegrapher at Dodge City. It read:

Taylorsville Station,  
1&GNRR, July 11, 1876

City Marshal:  
Dodge City, Kansas

Can you get word to I.P. Olive, Texas drover with herd road-branded H4 en route to Nebraska, that he is badly needed in Williamson County, Texas, by his brother. Need I.P. Olive presence if he can return at once. Suggest Ira Olive remain with cattle if not sold, to Ogalalla or where winter range is found. My respects to brothers Print, Ira and trail men. Louisa, Lou and babies all well.

Thos. J. Olive

Print studied the message. "Bob must be in trouble," he told Ira, handing him the note. Ira read through it. It could be Jay, who was in trouble, Ira thought. Both discounted Marion, for he had never caused the family trouble of any kind. They finally agreed it must be Jay who needed the help, though Bob might be the root of the trouble.

"But why couldn't he say '*I need help*'?" Print asked.

"Too damn proud," Ira muttered from beneath his black mustache.

Print questioned the young man who had brought the message, asking him if he wanted to hire on, for he had noted carefully that Bell's message had mentioned the new man as being Tom Wray, a friend.

"I've been all over that country," Wray answered. "If you need a scout who can also handle cattle, deal me in." Print left it to Ira who hired the new man. "He looks like a good man, and I'm heading back to Texas," Print decided.

Print arrived at Taylorsville, the new station on the railway northwest of the Olive Community, on July 21. As he stepped from the train he viewed the new town that was sprouting alongside the tracks. Soon a village of frame dwellings would blossom along both sides of the tracks. To the east, north of the Olive Pens, a railroad siding had been laid out and stock pens were being constructed. The place was called Stiles' Siding, after their friends the Stiles Brothers,



who had bought 10,000 acres of land in the vicinity and opened their ranching activities there on the prairie. The new railroad, the International & Great Northern, which had brought the boom to Taylorsville, provided connections both with the coastal region and the northern cattle markets.

Print went at once to Jay's ranch, after a brief visit with Louisa and the family. Jay told him the complete story of their imminent danger. Bob's toughness, with his two-man vigilance committee composed of himself and Sam Carr, had brought about a reciprocal toughness on the part of the Yegua mob. More horse cuttings had resulted, more cattle were driven off. Bob was crazy mad at the rustlers, and his nocturnal wanderings in pursuit of them had not improved his family life. A few days before Jay had sent the message to Print, Jay had been told of a Negro youth who was paid by the Yegua thieves to find employment with the Olives and then murder them. The boy had been promised \$500 gold for the killing of any Olive male. The foolish boy had gone first to Bob's place. Bob had previously been warned of the plot, hired the boy and played a cat and mouse game with him for a day or two while watching him. One evening Bob sent the would be assassin to the granary with a sack which was to be filled with ear corn, ostensibly in preparation for a trip to Georgetown the following day. While the Negro boy was kneeling in the corncrib, stuffing ear corn into his bag, his own little hide-away revolver carefully tucked inside his shirt in his belt, Bob lifted the window of his bedroom an inch or two, carefully stuck the muzzle of his Winchester out the window, took a bead on the colored boy and drilled a neat hole through his head, ear to ear. Bob then called his neighbors to witness the result.

"Caught a nigger boy stealing corn from my crib," Bob blandly told them. When they searched the boy and found the loaded pistol, there was little sympathy for him in the neighborhood. Bob was not even bound over for the murder, though he was later taken to Austin and questioned.<sup>2</sup>

Such quick reaction to their plan for assassination turned the Yegua mob to further direct action against the Olives, weakened as they were known to be through Print's absence with some of his top hands on the trail drive. Henry Hoyle had dispatched to Jay what

he considered the most important piece of information about the rustlers' plans since he had been spying on them in the cattle wars. He described the information in detail: The entire Yegua mob, with some aid from rustlers that holed up along Dry Brushy, would attempt a mass raid on the Olive ranch at an unknown future date, but soon. The hope was that they might find the Olives all present at one time and systematically wipe them out or, at worst, have to make raids the same night on less than two or three of the Olive ranches. The determining factor, thought Hoyle, would be where, and on what night they could catch the greatest number of Olive men working at one ranch. There the raid would take place.

After considerable planning, Print and Jay agreed that their best hope would be to meet the rustlers at some point distant from their respective homes, where the fight would not endanger their families. "The best place to meet them is at the Pens," Print told his brothers Jay and Bob. "The old log house can be used as a fort. We'll be together when they attack—if we can induce them to come to us. And we'll be armed to the teeth up there."

They threw a heavy guard around the ranch homes south of Brushy Creek, telling no one of their plan. Print kept himself from public view and they made great pretense of working cattle at the Olive Pens for another trail drive.

"They want us all together to kill," Print said. "All right, here we'll be. They're staking everything on one raid, just as Grant did at Vicksburg. The general learned his lesson the hard way. That's the way we'll teach Turner and Crow's rustlers."

A few days before they left for the Pens, Print asked Frank Condron, the Kuykendall boys, his brother-in-law Tom Smith, and the Abbott boys to keep a sharp watch for visitors at the ranch homes. "We'll be there when you give the signal, Print," Tom told him. "We'll blast their yellow hides if they show up down here."

When Print told his father of the plan, Jim Olive only shook his head and clucked to himself. "I hope it works, Print," was all he said. But he immediately got in touch with Sam Strayhorn, advising him that trouble was anticipated and a new deputy was put on at Taylorsville, Milt Tucker. The blow fell on the night of Tuesday, August 1, 1876.

It had been expedient to apply themselves to some practical work while sojourning at the Pens and awaiting the development, so they had turned to road-branding a herd of cattle that Snyder Brothers were readying for the trail. The Snyders, Dud and John, had a young man at the Pens representing their interests. He was Lee Moore, a boy, but one with a long background of experience in cow hunting.

At the log house with Print were Jay and Bob. Other Olive cowboys with them were Bill Wells, a colored man, but top shot with a rifle; W.P. Butler and Bumpus, and Henry Strain, the Negro cook. Eastward, at the foot of the eminence upon which the Olive Pens were constructed, was a reservoir into which water from the area drained, and near which ran the trail leading up to the Pens from the east. At this point Print had placed two more men as guards. A hundred yards west of the log house he stationed a guard to watch for approach from the west. A pole fence enclosed the ranch yard, preventing loose cattle from soiling the grassy yard where the men were sleeping. Within the yard were several half-grown walnut trees and a large liveoak. At each corner of the house, grew a myrtlewood tree, screening the yard from the approach at the rear. A gallery ran around three sides of the ranchhouse at the front.

Henry Strain had buried his Dutch oven in the yard at the rear, preferring to cook in the open where it was cooler. Saddles hung on the top rail of the fence, blankets on top, drying. Their rifles were stacked at handy intervals along the fence close to the bedroll of the individual owner. Print stationed a guard each three hours of every night in the walnut grove where the shadows provided concealment from the moon's light. This night Bob was on second guard.

As the night drew on and a fold of blackness settled down over the earth, the men had grouped about the pine-wood fire in the front yard and reminisced of the early day cow hunts. Lee Moore, now sixteen, reflected on the days when he first commenced riding the bell mare, the tin cups hanging jangling around her neck by a string as he followed the work. He was dressed, he told them, in a hickory shirt and a straw hat, and little else.<sup>8</sup> Print recalled those days with nostalgia. "That's the way we all started," he told Moore, "first roping roosters in the chicken yard, then the bell mare."

"I recall when I fust worked for Snyders, Print," Moore laughed, "never saw a man use sugar in coffee 'til then. And Old Dud never allowed a drap of liquor in his camps—not even a deck of cards!" The men all laughed.

"I worked for them a trip or two," Print recalled in turn. "Made a drive to New Mexico, west from Fort Concho with a 4th Cavalry escort to Horse head Crossing on the Pecos. Them bluenoses were like working for a bunch of Methodist preachers!" Again the men laughed. They knew that Print was on good terms with the Snyders though maintaining a much freer discipline in his camps, rather than the sanctimonious policies laid down by Snyders for their cowboys to follow. Nor did Prentice Olive, like many more of the Confederate veterans who had fought on the battlefields as Confederate volunteers, care to pay tribute to non-soldiers who had rendered their services to the cause only by providing beef, at a nice profit to themselves, to the Confederate commissary. Jay Olive with no war-service knives to sharpen on the grindstone of memory as did his elder brother, was much closer to the Snyders than Print and eventually his son Ed would marry Dud's girl, Mayme.

The men soon spread their pallets on the grassy yard, Henry Strain and Bill Wells sleeping on the gallery near the front doorway, the others scattered in the yard. As Print cat-napped, he heard hoofbeats in the distance, then Bob's challenge.

Fred Smith's friendly voice boomed out, "Haloo-o-o-o! May I ride in?" Bob invited him into the camp and Fred rode up beside the dying campfire.

"What keeps you out so late, you old crowder?" Print asked.

Smith told Print of a trip he was making to the San Gabriel to look at some cattle the following morning. "I'm late, and there's something here that bothers me," Smith said, tossing a bag of gold coins down at Print's bedside. "Wish you'd borry it for me until I get back. I'll pick it up in a day or two."

Print tossed the bag to Henry Strain who carried it within the house and placed it in the drawer of an old commode that set in the bedroom.

"You better light and sleep with us tonight, Fred," Print invited his friend. But Smith declined, telling of how late he was, then loped

away in the direction of the railway siding. Print lay back on his pallet and was soon fast asleep.

It was after midnight when he awakened. The sky had overcast as though it might rain before morning and the night was so black he could scarcely see the house in the yard. A jack, to which they had been breeding some mares at the Pens, suddenly brayed loudly, and Print realized it was the jack's braying that had first awakened him.<sup>4</sup> He arose to walk apart from the group and relieve himself when he suddenly had a premonition of being watched from the dark. Dropping to a crouch, he made his way back to where his rifle leaned against the fence. He listened attentively as his eyes gradually became accustomed to the dark, wondering what had become of Bob, when he heard the rattle of a bridle bit and the familiar sound of a booted foot as it softly touched the ground near the rear of the house.

"Bob!" he whispered loudly. There was no reply. As he thought of calling the name again, a blast from a shotgun filled the air and its explosion lit up the yard for an instant. In the glimpse afforded him by the light, he saw a man's figure with the gun between a myrtle-wood tree and the house. Quickly jumping to one side he levered a bullet into the chamber of the gun and fired three bullets at the figure before stopping. He heard a man cry out in pain, a gun clatter to the ground. Then from both ends of the building came blasts from shotguns, rifles and revolvers in an ear-breaking din, the ranch yard now being lit up from the gunfire until it was almost as bright as day as the Olive men awakened, realized what had happened, hurriedly jumped from their pallets to their guns and entered into the fight. Print felt buckshot from one blast strike his hip, completely numbing the leg and dropping him to his knees. But he continued to pump lead from the Winchester until it was emptied, then reached for his six-gun by his pallet.

With the other cowboys now in action in the yard, utter confusion reigned, but in the brief exchanges of light Print caught a glimpse of two men as they dragged one of the colored men from the gallery into the building, searching for the gold coin. The revolver of one of them belched flame into the face of the other colored man on the porch and his body rolled from the gallery into the yard then lay

still. As the gunfire lessened, Print called to the men to clear the yard and get behind the heavy oak wagon standing just outside the rail fence. As they withdrew from the yard, Bob's rifle now started firing from the walnut grove, taking the enemy by surprise.

Once outside the fence the Olive men turned the big wagon on its side, using the double-thick bottom as a shield, still keeping up their fire at the raiders who had collected behind the log house. Buckshot still continued to rain around them, clattering against the hard oak timbers of the wagon bottom, but now in diminishing quantities. Bob's angle of fire from the grove had imperiled the position of the rustlers and they commenced mounting their horses. Print made a hasty survey of his forces. Bumpus, Lee Moore, and Butler were still with him. Two colored men lay stretched out in the yard beside Jay. One man was pulled into the house by the raiders, the significance of which had not yet come to Print. Suddenly he heard a man shouting; it was Bumpus, lying beside the wagon with his rifle, unhurt.

"Get some water, I'm so dry I cain't swallow no mo'!" he cried pitifully to Print.

"Shut your damned mouth and keep firing!" Print shouted down at him, wondering how anyone could think of water at a time like this.<sup>5</sup>

"I'm out of bullets, Print," Lee Moore said. Busy firing at the moment, Print paid no attention. When he looked for the young cowboy a moment later he was gone, disappeared into the night.<sup>6</sup> At that moment a great light lit up the sky and flames erupted from the roof of the ranchhouse, licked at the shingles and soon became a roaring inferno. In the bright light from the burning building, they now saw the figures of men and horses at the back of the house. Within a few moments the night riders had fled.

Bob now approached from the grove, carrying his empty rifle at his side and swearing furiously.

"Quiet down and load your pieces," Print said, "they may take a notion to attack again." But the raid was over. The night raiders had apparently suffered casualties themselves. And it was now time to care for the wounded.

The men turned the wagon back on its wheels, harnessed a team,

and filled the wagon box half full of hay. In it they loaded Jay, blood pouring from his chest in a dozen places. Print stuffed his own shirt inside Jay's to slow the flow of blood from his wounds. As they were preparing to place the other wounded men in the wagon, another wagon drove up. It was the Stiles brothers who had brought a wagon half-filled with straw and with a sheet torn up for bandages. Lee Moore, who had run from the fight to get help, had told them of the attack, and then saddled one of their horses and ridden for the doctor at Lexington, they said. Wells and Butler were placed in the second wagon and at daybreak the caravan started for the Olive ranch.

At Print's ranch Lousia and Jay's wife, Miria, and the colored women were sitting on the gallery shelling beans as the wagons neared the house. Seeing some of the horses without riders and the boots hung on the saddle horns, they knew trouble had come to their men.

After a week, Jay rallied and he was moved to his own home. The entire right side of his chest had been filled with the steel pellets, "blue whistlers," the men called them. From the pulpy right side, Dr. Doak, the old Confederate army doctor, had extracted twenty-two of the pellets.

"I'll live a day for every one of those balls the Crows and Turners put in me," Jay muttered bravely.

On Saturday, August 12, ten days after the ranch raid, Print rode down to Jay's place, a copy of the Austin newspaper clutched under his arm.<sup>7</sup> The paper contained two stories, both relating to the raid on their ranch. Print was anxious that Jay hear both stories. The raid was now being called the "Crow-Turner and Olive fight," since it was generally believed by the Olives that it had been Crow-Turner factions from the Yegua that had raided them. Print unfolded the paper, took a seat at the side of Jay's bed, and read:

### MYSTERIOUS

On Wednesday night, about two o'clock, three white men came in from Round Rock with a colored man who had been shot in the side. They called on Dr. Wooten who removed the bullet and dressed the wound, when they

paid their bill and went their way, taking the wounded man with them.

Where the shooting occurred and who did it they would not tell and, so far as is known here, the whole thing is wrapped in mystery.

\* \* \*

Since writing the above, we learn that the police found the wounded man in a wagon near the Waller Creek Iron Bridge. He says that the white men came to him in a saloon in Round Rock where he was working and asked him to take a drink with them, and after getting out of the saloon a piece they told him to run and then shot him while he was doing so.

His story is unreasonable, and the probability is that all were in some devilment together when he was shot. He may be induced to tell the true story yet.

"That's a pretty thin story," Jay said weakly. He urged Print to get with the colored man and find out if he was with the raiders. "Those Crows must recruit negroes with a gun to help them," Jay complained.

"That's a good job for Bob," Print answered, "and it's the sort of work he's been looking for ever since he went to sleep on guard that night. But here's the real story, the one I want you to hear." Print selected the page and read:

A letter received in this city Thursday from Post Oak Island says that on the night of August 1, a party of fifteen or twenty men attacked the Olive brothers on their ranch. Besides the three of them, Print, Jay and Bob, there were three other white men and two Negroes. Jay Olive was shot in the body in twenty-two places and—

Print suddenly stopped reading at this point, coughed and pretended to blow his nose as he skipped over the balance of the line—"it is thought he will die." Then he began again, his voice needlessly loud:



Prentice Olive was shot in the hip; and a man named Butler several times in the leg and hip. Bill Wells, one of the Negroes, was shot twice in the head. The raiders got \$750 from the house and then forced one of the Negroes to burn it.

The trouble is said to have grown out of the Crow and Turner tragedy, which occurred in that neighborhood some six months since. The Olives are engaged largely in the raising of stock and have suffered severely for a long time at the hands of horse and cattle thieves.

Several months ago they gave out that they would kill anyone they found skinning their cattle or riding their horses. Not long after that, old man Crow and a suspicious character named Turk Turner were killed in the woods near McDade while skinning a beef with the Olive brand. Crow had a son who served one or two terms in the penitentiary and he accused the Olives of killing his father, and threatened to revenge his death.

Since that time, it is said that he has been at the head of a band of desperadoes and toughs and this crowd is suspected of committing the horrible tragedy perpetrated on the Olive brothers and their employees on the night of August 1.

The Olive brothers are said to be upright men and they have many warm friends in the vicinity of where they live, and that further trouble and bloodshed will follow is probable.

What action the Governor and the authorities will take we cannot say, but certainly the affair calls for rigid and hearty work. Life and property is not safe in Texas, and there is no use of anyone asserting that it is.

"If anything can be done, Dick Coke will do it," Jay whispered loyally, for the Olives were Democrats in politics, and Jay felt a deep sense of loyalty toward Governor Richard Coke, the first Democrat governor the people of Texas had elected following the hard Reconstruction years. But Jay's faith in politicians left Print cold.

Neither preachers, lawyers, nor politicians could help his brother Jay, who lay here on the bed slowly dying from the wounds inflicted on him by the outlaws' guns. Print knew of only one way to settle with the rustlers—a rope or a gun. As he limped away from Jay's bedside, Jay joked hoarsely, "Tell ma and pa I died with my boots off!"

Print smiled back a mirthless smile. There was no humor in the situation to him. He was thinking of an old "law of the range," the men called it: You treat me right or we'll have trouble. Someone, he knew, if and when Jay died, was going to have trouble.

\* \* \*

When important decisions were made by the Olive men, it was almost a certainty they would meet and discuss the matter in the security and comfort of the old log store building. It had now been abandoned several years as a public store and was used periodically for a storage building and always as a meeting place for the men of the family. Here, in a women-free atmosphere, cooperative efforts between the men could be more quickly developed. In their homes, the dissention between their women more often determined issues than clear-headed talk. So the old store building served the Olive men much as the *kiva* had served the Indian men of the southwest. For plans, to be profitable, must be wise; and to provide for the security of the clan, their plans must be intelligent. Here, amidst the smells of shelled corn, whiskey, tobacco, and pecans roasting in the coals of the big rock fireplace, the Olive men examined their problems and hammered out their working decisions. Here the family transactions were jotted down on scraps of paper and strung on a headless nail driven into the wall, the papers acting more as memorandums and agreements, never with any legal force or intention to bind, but simply as reminders of what had been discussed on a previous occasion, the word of one to another.

On this day Print came to the old store building first, followed soon by his father. Bob had asked them to assemble for an important decision-making meeting. Jay's condition precluded his attendance. Jim Olive poured a drink for himself and Print. They sat and sipped it.

"The next few days will tell for Jay," his father said glumly.



### **"BLOODY POND" ON THE SHILOH BATTLEFIELD**

On April 6-7, 1862, Print Olive and soldiers of both North and South sought sanctuary at this little pond to treat their wounds and drink from its waters. The pond soon became "pink" from their blood; hence it was named "Bloody Pond," which it is called to this day. From its banks, Print Olive walked back that night to Corinth, a distance of more than 20 miles, a Yankee Minie ball in his thigh. *Photo by author.*

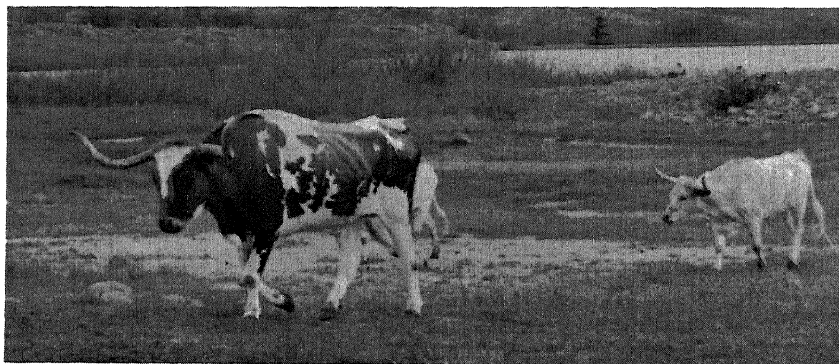


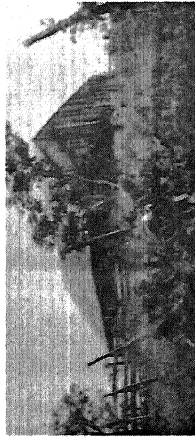
### **2ND TEXAS INFANTRY LUNETTE**

A cemetery now covers the eminence that was the old fort extending out eastward from the defense lines protecting the city of Vicksburg. Here, Prentice Olive and his comrades held out for 40 days and nights against Grant's magnificent Union assaults, starvation, and fatigue. The Lunette is situated on the Baldwin Ferry Road leading in to the city from the east. *Photo by author.*

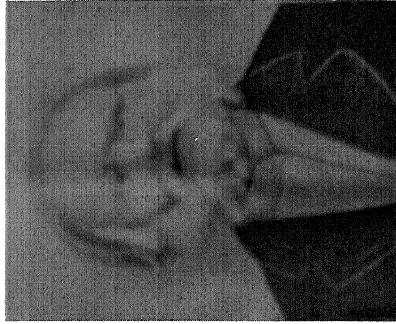


Longhorn cattle such as these descended from the Texas Longhorns which the Olive brothers gathered in the early-day "cow hunts" of Williamson and Lee counties, Texas, and headed north up the Chisholm Trail to the Abilene, Wichita, and Ellsworth markets. These Longhorn cattle are detailed from the herds at Cache, Oklahoma, and Fort Griffin, Texas, in the Wild Life Refuges of those states. *Photos by the author.*





The old Laurence home. The building, built about 1835, is still in use today as a barn and implement storage building, near the old I. P. Olive ranch site, Williamson County, Texas. Laurence was a neighbor and close friend of James Olive, patriarch of the Olive family of Texas. *Photo from old newspaper.*



**ADAM LAURENCE**  
Born in Henderson County, Ky., Oct. 16, 1799. Died Williamson County, Texas, Oct. 2, 1878. Laurence (as the name is spelled on his gravestone at Lawrence Chapel Cemetery, near Thrall, Texas, in the Olive Community), was a Mexican War veteran, an Austin Colonist, a genuine Texas pioneer, coming to the state in 1821. When Laurence in his later years (1866) decided to leave for California, Print and Jay Olive traded him 2,000 head of cattle for 2,000 acres of land in the Simon Miller Tract. *Photo courtesy Sam Abbott.*



**TYPE OF GUNS USED BY PRINT OLIVE ON THE RANGE AND IN THE CIVIL WAR**  
Left is the big Colt Army .44 caliber, used by both North and South. This was a "cap and ball" percussion-type gun. Right, the smaller Colt Old Model 5-shooter, which has Print Olive's old cattle brand on butt, trigger guard, and frame. This weapon had been converted from a .31 caliber to a .36, and still later to a .38 caliber. It was probably carried by him in the middle or late 1870's and early 1880's. Guns in author's collection. *Photo by author.*



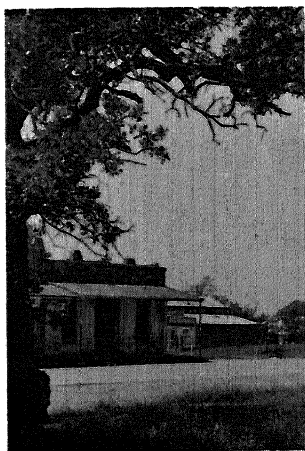
Lawrence Chapel Cemetery, near Thrall, Texas (the Old Olive Community). The moss-covered graves are those of the Olives, James and Julia; Jay, the larger stone; and Bob, at the far left. *Photo by author.*



The San Gabriel River moves sluggishly between its brush-covered banks through the old area that was ridden by the Olives and other "brush poppers" of the 1860's and 1870's. The countryside is today a rich farming region. *Photo by author.*



Nothing remains today but second-growth mesquite, prickly pear cactus, and the trunk of a lightning-shattered tree where the James Olive store building stood near the Laurence Chapel. In the 1850's and 60's it was a gathering place for the people of the community and the store building was later used as a "kiva" for the meetings of the Olive menfolk. *Photo by author.*



At the Old Rock Saloon, McDade, Texas, the Olive boys—Print, Jay, Ira, and Bob—challenged the Knobs and Yegua gangs of rustlers, telling them: "Anyone caught riding an Olive horse or driving an Olive cow will be shot." *Photo by author.*



The well and walnut grove at the site of the Olive Pens, on the Taylor Prairie east of Taylor, Texas. Here, Jay Olive was killed, Print and two of his men wounded, when rustlers raided and shot up the ranch at night, August 1-2, 1876. *Photo by author.*



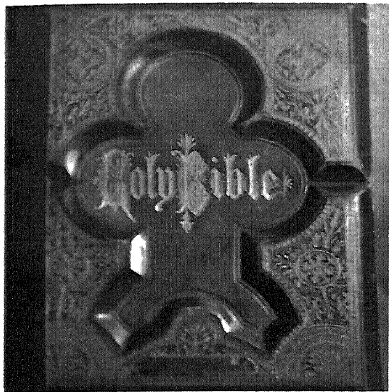


The old I. P. Olive cistern near Thrall, Texas. This old cistern provided water for the Olive home. After the Olive family moved to Nebraska, the home became the center of many ghost tales and the cistern was said to contain the bodies of many "nigger boys," slain by the Olives and cast into its dark waters. The site is now on, or closely adjoining, the Carl Lawrence farm. *Photo by author.*

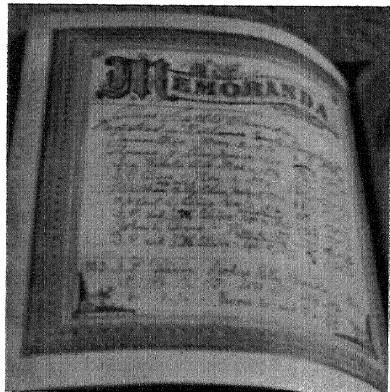


Congress Avenue, Austin, Texas, in 1866, appeared as in above photo taken by Tom Tolman. The State Capitol building appears at the end of the street, far right. The saloon in which Bob Olive killed Cal Nutt was in this block. *Photo from an old newspaper, courtesy of Sam Abbott.*

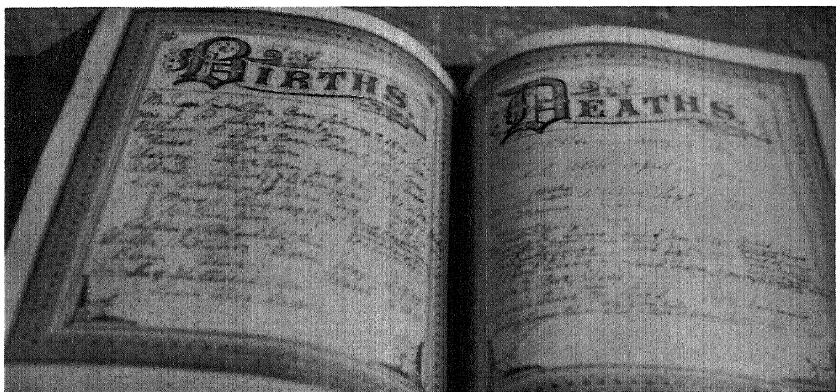




The Olive family Bible. This massive work, weighing fourteen pounds and published in 1874, had been in the Olive family 85 years when given to the author for his Olive library files. It contains the family record as well as the brand records held by the several Olive families, photos (many tintypes) of the Olive children, and many loose paper items from old events scattered throughout its pages. *Photo by author.*



The Brand Record under the Memorandum Page in the old Olive Bible shows how close to the family was the identification of their herds. The record ends with the several brands of the Dodge City, Sawlog, and Smoky Hill epoch, several being undoubtedly brands bought by Print Olive to supply the Olive & Searcy Meat Market in Dodge. The final brands are those advertised in the Dodge City papers of 1884-5. *Photo by author.*



Family record in Olive Bible. Here the births and deaths of family members have been recorded commencing with the birth of the family head, Isom Prentice Olive, February 7, 1840. The last entry is the death of Dolly Louise Olive, 1960, wife of William Preston Olive, the son of Albert Olive of Dodge City, Kansas, and grandson of Print Olive. *Photo by author.*



**Pioneer Texas and Wyoming cattlemen.** (Photo taken at State Fair, Douglas, Wyoming, 1913.) This old photo shows some of the old-time cowmen wearing Stetson "Sandhillers," popular headwear of the day at the State Fair. Left to right: Lee Moore, who worked with and cowhunted with Olive boys in 1870's on Brushy Creek and the Yegua. Moore was with Olives the night of the ranch raid by rustlers when Jay Olive was killed. Second, Mark Beatham; third, Tom Bell; fourth, John B. Kendrick, former governor and U.S. Senator from Wyoming and president of Wyoming Stock-Growers Assn.; fifth, W. C. (Billy) Irvine, leader of cattlemen in Wyoming "Cattleman-Rustler" war; sixth, Jack Davis; seventh, C. L. Talbot, former Wyoming brand inspector, who is reported to have memorized the nearly 5,000 brands of the region; eighth, Harry E. Cain; ninth, J. W. Hammond; tenth, Addison A. Spaugh, range detective, was foreman of Wyoming's largest roundup (worked 400,000 head in six weeks time, 1884). Several of the above men were ex-Texans, such as Lee Moore and Addison Spaugh, who came to Wyoming in the 1870's with Texas herds, and stayed on to become prominent Wyoming cattlemen. *Photo courtesy LeRoy Moore, son of Lee Moore.*



**S. D. Butcher, pioneer Custer County photographer, sought to re-enact the events of the Mitchell and Ketchum lynching in a series of photographs made nearly twenty years after the event.** Nearby ranchers and farmers co-operated, lending themselves and their saddlehorses and other gear to make the pictures as historically correct as possible. One photograph, the above, shows the Olive ranch headquarters, near Spring Creek, on the South Loup River. This old building appears just as pioneer ranchers of the region described it to the author and is apparently the genuine article. *Photo by S. D. Butcher.*

Print nodded. Before long Bob rode up, dropped his reins and walked in. He helped himself to a drink, then sat down at the table beside his father, facing his brother.

"Print," he said, "you want to lay a bet that Grip Crow and the Turners were responsible for the raid on the ranch the other night?"

"I'll believe it until I learn otherwise," Print answered.

"Then you're on a cold trail," Bob said flatly. He drew from his vest pocket an object wound up in his blue silk scarf and carefully unwrapped it. "Take a look at this," he said, offering the object to Print.

Print studied it. The object was a worn but beautifully engraved heavy gold watch, the crystal shattered, the hands setting on the hour of twelve-twenty. Two inches of broken chain still dangled from the time-piece. "Where did you get this and what does it mean?" asked Print.

"I found it at the burned ranch house yesterday," Bob said, looking proud, and as though his discovery had somehow partially excused his act in going to sleep on guard and letting the raiders come in to their peaceful camp unchallenged the night Jay and Print were wounded. For neither Print nor Bob had mentioned his carelessness since to the other.

Jim Olive now grasped the watch and studied it, turning it over and over in his hand. Bob's black eyes darted back and forth between his father and brother.

"Where did you ever see that watch before?" Bob asked.

"I never saw it before," Print answered. Bob turned to his father. Jim Olive was studying the dial markings. The name and address of the manufacturer now came back to his keen memory from the past, and he pointed to the circular inscription on the face of the watch. "American Horologe Company, Waltham, Massachusetts, U.S.A.," he recited.

Both sons stared in disbelief at their father, knowing that he could scarcely read and wondering how he had somehow deciphered the tiny printed inscription from the face of the watch. But James Olive only smiled indulgently at their astonished faces, then his face be-

came dead in its seriousness and he leaned forward over the table, pointing to the watch.

"It isn't reading, boys, it's just *remembering*," he said, half apologetically. Their father unscrewed the back of the timepiece and without so much as a glance within it, handed the back cover to Print.

"After the war," he related, "a man came in here and standing there where the counter used to be told me that he needed groceries. He had no money. But he left me this gold watch as security. I gave him food and the following spring he redeemed his watch by paying his bill. I was curious about the printing on the watch and he told me what it said. A man that cain't read well has a pow'ful lot of rememberin' to do, boys. I never forgot that writin' on the watch."

"Well, whose watch was it?" Print asked brusquely.

"Just read the inscription on the back," Bob said.

Print turned the cover and read: "To Fred from Mother—Christmas, 1860." He looked questioningly over at Bob. "Well, whose is it?" Print asked anxiously.

"Tell him!" Bob said sharply to his father. "Go ahead and tell him."

"By blood! I cain't" Jim Olive exclaimed. "Print, cain't you see who it is—it's Fred—Fred Smith, *our friend!*"

Print sat in stunned silence as Bob picked up the watch, took the cover from his stilled hand, and screwed it back on the timepiece. Now Bob spoke more gently, seeing the hurt in Print's eyes.

"I'd heard these things about Fred through Henry Hoyle, Print. But goddammit I couldn't believe them either. He said Fred was gettin' to be the big bull of the Brushy and ever'body knew it but us. Even Cal Nutt's takin' orders from him. But it seemed too far-fetched for me, like other stories you hear. But Turner and Crow—foof!" Bob made the gesture frequently used by Julia, opening the right hand quickly as though tossing an object into the air. "What a damn fool I bin to not believe Henry. He never lied." Bob walked over to the water bucket, took a big drink from the dipper. "If Fred hadn't dropped his watch, he'd still be our 'best friend.' Just wait 'til I poke Lulubelle's snout into his fat belly!"

"Now remember, Bob," their father spoke softly, more for Print's

benefit than to inform, "we've known Fred Smith many years and his watch could have been stolen or worn by another. He's still deservin' of our confidence until facts show otherwise. Betrayal—that's a terrible word."

"You're dead wrong, father," Print cut in, "I saw that watch on Fred Smith the night he stopped at the Pens to borrow me that gold. Fact is, I've seen it on him many times. I just couldn't connect it—at first. But he hasn't been to see us since that night, never even came to see Jay. One of his men told me he had been skinned up in a fall from a horse. Now I know how he got skinned up, why he hasn't been around."

"I'll make him a present of this watch in the morning," Bob said. "I'll teach that puke-faced son-of—"

"You'll do nothing of the sort," Print snapped. "I'll make my own settlement with Fred in my own damned way—and for all of us."

"That's right, Print," their father said. "We got evidence that will send him to prison for life."

"Evidence, hell," Print snorted. "I'm not talkin' about waggin' those lawyers jaws any more, I'm talkin about Jay—and if he dies. But I want to look Fred in the eyes and have him tell me what he knows or has to say."

"Good," Bob exclaimed. "That leaves me Cal Nutt!"

The following morning Print and Bob sat their mounts on a wooded summit above the Smith ranch. Through their field glasses they saw a figure cutting wood in the yard. It was Smith. As they entered the yard, Print hallooed and Fred's mother came to the doorway. She was polite, but cool, Print thought. Fred was not home, she said. He had gone to Georgetown a day or two ago. Yes, she would take a message.

Print handed her a canvas bag containing \$750 in gold which he had counted from his own hoard at the ranch. Then he handed her Fred's broken watch.

"Here's another item in gold your son left at the ranch," Print added. "We're sorry it got broken, Mrs. Smith, but I feel sure Fred will be happy to have it returned and learn where he lost it—up at

the Pens." Placing the watch in her hands he tipped his hat and they rode from the yard.

"I can just feel a bullet in my spine," Bob commented as they rode away.

Print said nothing. The answer to his question was plain. Fred Smith had betrayed him, could not even look him in the face. The pain Print felt within was deeper, hurt more, than any gunshot wound he had ever suffered. It felt like all the slow, agonizing pain of a lifetime was concentrated in his chest cavity and gripped at the muscles of his throat, for the pain was deeper, much deeper than the hurt he felt at the slow eroding-away of the friendship with Frank Condron, his war comrade. It was as though all misery had descended upon him at one time, and he could not understand how a man like Fred Smith could let a true friendship die, much less kill it deliberately for a handful of gold coins—by betrayal.

As Jay fought for his life, Print's feeling toward Fred Smith underwent a vast change. From the mean and vile betrayal, Print erected a monumental hatred of Smith. While kindly neighbors and faithful Dr. Doak did all they could to save Jay, on Sunday, August 20, 1876, nineteen days after the raid on the Olive Pens, Jay Olive died.

The burial services were held at the Lawrence Chapel. Jay's death was a staggering blow to his family and a challenge to all the community. Small groups of men congregated in the church yard and discussed the significance of Jay's death. Print or Bob would avenge him, that they knew. But if such a good man as Jay Olive could be struck down while sleeping on his own property, in his own pallet, no one was safe from the outlaws. Perhaps Jim Olive was right, a Vigilante group was needed. But Jay lay white in death at age thirty-three, beyond the aid of the lawyers, politicians, or preachers. Whatever was planned, it would be too late to save him.

Bob dared not even attend the funeral of his brother, for lawmen, sent down from Georgetown, had sought to apprehend him. Bob had now made the Fugitive List of the Texas Rangers and it would be a victory for local authorities to turn him in.<sup>9</sup> The Rangers had entered the hunt for Bob following a kidnapping Bob and Sam Carr had made of two local hard cases, suspected of taking a part in the

ranch raid. Their names were Malone and Haskell. But back in the thickets, Print knew, Bob would be watching the burial services, watching as their brother was carried from the Chapel in the strong oak box and buried under the liveoaks of the Lawrence Chapel Cemetery.

Print found no comfort in the empty phrases intoned by the old Methodist preacher, spoken, he felt, more for the benefit of Elmira and her little brood which now clustered around her in the pew ahead. Always skeptical of the multitudinous and oftentimes hypocritical man-made forms of religious worship, though with his own deep beliefs in a Creative Spirit, Print sat with his arm across Louisa's shoulders throughout the service. He was relieved when it was over, his throat dry, tight, and scratchy. The moist August air outside the church was most welcome as he stepped forth into the sunlight again.

Louisa stayed with Miria for a few days. When Print rode home that evening he found the sheriff, Sam Strayhorn, and his deputies, Milt Tucker and Jim Myers, at the ranch. He invited the officers in and they ate supper, prepared by Print's colored house man. Strayhorn told Print he was searching for Bob, then showed him a warrant. Print was in a dark mood to talk.

"Sam," he told the sheriff, "today my brother Bob couldn't attend the funeral of his own brother, killed by outlaws while sleeping at his own ranch. Now here you come, showing me what the laws of Texas say. I want to tell you something, Sam. I say to hell with the laws of Texas! We told you of our trouble. We went to you and begged your help. You couldn't raise enough help to keep Jay from being killed, could you? Can you raise enough help to protect Bob and me? I doubt it. Well, Bob and I can take care of ourselves. We plan to leave Texas, Sam. When we do we'll leave it in better shape than it's been in for some time. So if you will leave Bob and me alone for a short time until we get our cattle together and underway, we'll never bother Texas again!"

Strayhorn handed Print the warrant for Bob's arrest for kidnapping Malone and Haskell, asking, "What about it?"

"I know all about it," Print said. "Bob and Sam pistol-whipped them but couldn't make them admit any part of the raid. Wouldn't you have felt the same?"

Strayhorn saw the futility of arguing with Print when he was in such a dark mood and spoke of riding back to Georgetown with his deputies. "You'll do no such thing," Print told him hospitably. "You'll stay right here overnight and you can ride back in the morning after a good breakfast."

The following morning after the sheriff left, Print saddled a colt he was breaking and rode down to the Chapel. It was a cool, fresh morning with the sound of many jackdaws in the trees. He stopped and tied the colt securely to a tree at the Chapel gate, then looking within he saw Bob bending over Jay's fresh mound. When he walked inside the gate, Bob stood up over the grave and awkwardly fingered his hat. Neither spoke.

Print dropped down on one knee, straightening the earth on the grave and tamping it down firmly with his palms. Bob joined in the exercise on the other side of the mound. Print was the first to speak.

"You want to start north with us, come spring?" he asked. Bob nodded, then added, "I got a job to do first."

"You mean Fred Smith?" Print asked. Bob nodded again.

"Forget Fred. He's my business," Print said grimly.

"Then Cal Nutt's mine!" Bob said possessively.

Print stopped his tamping, looked his brother squarely in the eyes. With a quick cry of anguish he seized a doublefistful of the fresh, black loam from the grave and held them before Bob's face.

"So help me God, Bob, I'll put Fred Smith under this same earth if it's the last thing I ever do!" Print's shoulders now shook convulsively and he wept without restraint before his younger brother, repeating over and over, "Oh, Jay! Oh, Jay!"

Bob bent down deliberately, took a fistful of the dirt and stuck it under Print's wet eyes. "You make Fred Smith your target, Print. But remember, Cal Nutt's mine!" There were no tears in Bob Olive's smoky eyes, only the burning black hatred he felt toward the erstwhile friend who had brought this tough brother of his to his knees to whimper and cry out like a small child.

Print arose, wiped his eyes with his shirtsleeve, now embarrassed by his display of emotion. Even Bob would never know, he thought, what anguish he felt, for in Jay's death he had lost both his brother and his friend. Untying the handkerchief from his throat he blew



into it lustily, then shoved it into his hip pocket. With Bob he walked to the cemetery gate, fastening it with the wire loop behind them.

"Goodbye, Jay," Print said to himself as he mounted his colt, "*Viaje con Dios.*" But he never looked back.



## PART III

For every beast of the forest is mine,  
*and* the cattle upon a thousand hills.

—PSALMS 50-10



## Chapter XII

Ira Olive reached the Republican River in Nebraska with the she herd on the same day Print arrived back home at Taylorsville, Texas. Guided by the new man he had hired on at the Smoky Hill crossing, Tom Wray, Ira pushed the herd westward up the south bank of the river, crossed Thickwood Creek, then worked the herd across an extremely eroded area on the south side of the river. The natural erosion, caused by the water-flow from the south hills over the centuries, had cut into the prairie floor a gulch whose walls were from six to fifteen feet in height, making a natural pen that would fence in the cattle. They named the place Corral Canyon,<sup>1</sup> and here Ira decided to winter, sending one of the calf wagons to Ogalalla for winter supplies.

The canyon floor at this point had been washed away to a width of nearly a hundred yards in places, making a protected corral for the cattle. By building a stout cedar post fence, backed up by sod and adobe, across the lower end of the canyon, the spot made an excellent and safe corral to protect the calves from the loafer wolves that inhabited the area. They called the corral The Olive Pens, after Print's old Pens on the Taylorsville prairie back home in Texas. On the plateau west of the Pens they erected two good sod houses, using scarce cedar from the canyons and willows from the river bottom for the roof, plastered over with two layers of sod. With only cow chips from the prairie to burn, "prairie coal" the cowboys called it, they planned to spend their first winter in Nebraska.

Following a light snow in September came several weeks of lovely Indian summer during which the herd fattened and rested after the long trail drive. By mid-October colder weather came and the men holed up in the soddies, only a day-herd guard taking the cow herd up onto the hillsides to graze where the nutritious buffalo grass,

swept clean of the snows by the prevailing northwest wind, lay uncovered most of the winter.

Down in the valley, the river afforded a good watering place where Buffalo Creek, on the north bank, flowed into the North Fork of the Republican. Each day the herd was drifted slowly down to the valley to water, then moved to the safety of the walled-in canyon. There they soon bedded down, blew gas and chewed their cud. A night guard was maintained throughout the winter, principally to keep off the lobos that infested the region.

Meanwhile in Texas, Bob Olive had met with the tough brother of Lawson Kelley.<sup>2</sup> Their gunfight was witnessed by several men, all of whom said it was a fair fight. Bob killed Dock with two bullets, then dismounted from his horse and stripped Dock of his two beautifully engraved Colt six-shooters, making a present of the guns to Sam Carr. Kelley's right gun was carefully marked with eight notches across the brass back-strap. Bob rode to Georgetown and surrendered to the sheriff, requesting a hearing before Justice Morrow's court. He was released on his own recognizance by Sheriff Sam Strayhorn.

At Print's place that night, Print urged Bob to leave Texas. "The Rangers are on your tail, and you're lucky Sam let you go." But Bob was determined to finish with Cal Nutt before going. And Bob was beset by other troubles.

A farm claim north of the Olive Community straddled the cattle trail they used to and from the Pens. Peter Zieschang, a round-headed young German, regarded the portion of the trail his farm set on as his property. Bob and Zieschang would frequently exchange bullets as Bob passed the place. One day Bob and Sam Carr gave Zieschang and a friend, Ernest Poldrack, a trouncing with fists and guns. It meant another court action.<sup>3</sup>

Print had failed to locate Fred Smith, but rumors said Fred was leaving the area. Print posted guards to watch the Smith ranch. The entire community waited expectantly as the news of Print Olive's quiet return and its purpose became apprehended by the neighbors. The *Austin Daily Statesman*, issue of Sept. 6, commented upon the coming event:

A gentleman from Taylor Station reports that the war

spirit between the Olive and the Smith parties in that vicinity is at fever heat and that blood and thunder may be looked for at any time.

One afternoon a vaquero, Ricardo Moreno, brought word to Print that Smith had been seen moving out from his home, bag and baggage. He was taking a little-used crossing of Brushy Creek, west from the Lawrence Chapel. Print immediately checked his revolver, stuck a Winchester in his saddle boot, and with Moreno rode off to the stream crossing where he took up his station, Ricardo concealing himself in a clump of mesquite fifty yards away from the stream.

Within a half hour, Smith drove his team up to the south bank, then went into the stream. He was in a hurry, with household objects piled helter-skelter on the wagon. When the wagon was half-way across the stream bed, Print rode out on the trail, on the north bank. Smith looked up, saw him, but came on across the sandy wash and up the steep bank, urging his horses along as the wagon lurched over the ruts. Though his revolver hung at his right hip, he had no chance to draw it.

When the wagon mounted to the solid ground, Smith stopped his team, the harness rattling and slapping as they shook the water from their bellies. Print sat his horse, waiting. Smith cleared his throat but did not speak. Print broke the silence.

"Draw whenever you're ready, Fred."

Fred Smith wet his lips with his tongue, slowly shifted the reins from his left hand to his right hand, a move designed to mentally disarm his antagonist.

"We bin friends now a long time, Print," Smith stalled.

"Just quit talking and draw, Fred," Print answered him, coldly eyeing Smith's right hand.

"I don't want to fight you, Print. I just want to leave the country, peaceful-like." The reins were now slowly being passed from Fred's right hand back to his left hand, permitting the right hand to move slowly into action, without attracting attention. It was Print's cue and he drew and fired, just as Fred's right hand leaped to his gun butt, drew and fired at Print. The exchange of shots came almost in unison, so fast did Smith draw and fire, his bullet tearing a hole

through the coat and vest, under Print's left arm. But the fight was over, for Print's big forty-four slug struck Fred Smith on the bridge of the nose, tumbling him backwards on to the tarpaulin covering his household goods.

Print rode in closer and took one look. Fred Smith was dead. Print tied up the lines to the wagon, then took the near horse by the bridle bit and led the team out to meet Ricardo who came loping to the creek bank upon hearing the shots.

\* \* \*

Fred Smith's team returned with all his possessions intact in the wagon. There was blood—but there was no body. Other bodies were almost daily being found, for the cattle war was at its peak. Frank and Crump Taylor, riding a side road along Brushy Creek, came upon a packing case containing the bodies of two men, both of whom had been shot. Neither was Smith. Another man's body was found hanged with his own bridle reins, tracks of four or five horses nearby. But it wasn't Fred Smith. The *Austin Statesman* raised the question whether these recent killings had a connection with the Turner-Crow-Olive affair, "The Post Oak Island Tragedy," as they now called it. Even the Olive cowhands wondered whether the boss and his former friend "have reached an understanding."

Ricardo Moreno alone knew.<sup>4</sup> When they pressed him to tell what he knew he only smiled and said, "Fred he was plan to leeve the countree for a leetle trip—*poco jornada*. But Preent he send heem farther than Fred he plan to go! Where ees Fred? *Quien sabe?*"

But Fred Smith's disappearance did not bring peace to the community, and his murderous plans, conceived before his death, continued to work themselves out under the direction of Cal Nutt, his lieutenant. One morning Print lay dozing on a couch on the gallery at his home. He had worked late, loading livestock at the Stiles Switch. Dimly he heard hoof-beats in the ranch yard, then the sound of men's voices. One asked, "Wheah's you husband?" Then came Louisa's voice, remonstrating with them. Print arose quickly, picked a Winchester from the pegs on the wall, quietly levered a cartridge into the breech and stepped into their big living room.

One of the visitors, a red haired Negro whom Print had never



seen before, had brushed Louisa aside and started to enter the room. Seeing Print with the rifle, he turned and fled.

Print ran to the door, quickly noted the man was not wearing a revolver but saw that he carried a rifle in a scabbard on the horse toward which he was running. Print took aim, then called on him to halt. The fellow ran faster. As the Negro reached his horse and tugged at the rifle, Print fired, dropping him dead beside his horse. The second man who was armed had not yet reached his horse when Print shot him in the hip. Walking carefully into the yard where the two men lay, Print recognized the latter as Donaldson, a rather foolish fellow who lived with a nearby family of that name before the war. Print had not seen him since. He questioned Donaldson and learned the other man was named Banks. He was called "Red" Banks, because of his red hair, rather unusual coloring in the Negro race. The two assassins had been sent, as was the colored boy whom Bob shot, to "kill an Olive and get \$500 in gold." Print could only feel pity for them. The body of Banks was loaded on a wagon and sent to Deputy Sheriff Tucker at Taylorsville. Donaldson was turned over to the sheriff at Georgetown.

The shooting of Banks and Donaldson took place Thursday, September 7, 1876. On September 22 a grand jury brought an indictment against Print Olive for "the murder of Red Banks" and for "assault with intent to kill" Donaldson.

Nothing that had preceded this shooting so aroused the countryside as the proclamation now made by the Yegua gang. The day before the trial started they made a public demonstration of strength, collecting in a force of about forty men on the road to the county seat along which Deputy Sheriff Tucker was to take Print to Georgetown. They gave out that if there was no indictment, the law would be taken into their own hands and the defendant hung by their mob. The murder of Jay Olive; the "Green Hide" tragedy of Crow and Turner; Fred Smith's mysterious disappearance; the numerous killings and horse cuttings in the cattle wars, all these incidents had been taken in stride by the neighbors and residents of the area. But the rustlers' demonstration of force for the first time clarified sentiment and brought action on the part of both the county authorities and the populace. Now more than twenty-five of Print's close neighbors,

the Kuykendalls, Abbotts, Lanes, Pumphreys, Stileses, Littins, Morrows, and others including Tom Smith and his riders and some Snyder men in the area, surrounded Print and the deputy on their dangerous way to the county seat for the trial. Henry Hoyle reported that thirty more mobsters were collecting on the Yegua. Cal Nutt had given the word if no indictment was brought, even the jurymen would be in trouble. Arriving at the courthouse, Print saw one group of about fifteen of the Yegua men across the street, waiting.

"Yegua! Ya-w-a-a-h-h!" he shouted at them. "All right you sons-of-bitches—I know you!" His attorney promptly silenced him.

"Jesus Christ, Print, how do you expect us to get an acquittal when you act like this?" he said angrily. Print calmed down.

Sheriff Strayhorn immediately deputized a score of townsmen and farmers to keep the peace during the hearing. Aaron Williams, W.H. Muncil, Grand Sanson, F.L. Price, Joe Ake, M.P. Collins, Talbot Anderson, and members of the Sturgis and Avery families came forth to help. The body of town deputies camped on the road leading east to Taylorsville; the Yegua mob camped on the Austin road. A sharp patrol was maintained to see that no trouble arose in the town, and trouble was averted. Following the hearing, and indictment, Prentice Olive was bound over under heavy bail for the October term of court.<sup>5</sup>

When the case came up in District Court, the first of October, it took the better part of a week. It was No. 1416 on the docket, the murder of Banks, and No. 1426, the "assault with attempt to murder" Donaldson, to both of which the jury found Print not guilty. A third charge, "assault with attempt to murder," in the case of Fred Smith, lay on the docket. On March 31, 1877, it, too, was dismissed, the case "having no substance or foundation," that is no *corpus delicti*.

Prior to the trial, on September 6, George Adams, an Olive cowboy, shot and killed another member of the Turner family at Round Rock, voluntarily surrendering himself to the Williamson county sheriff. But with all these shootings and bushwhackings the real community interest was in the whereabouts of Fred Smith. His family had reported him to be away "on a short visit."

That November 19th, the *Austin Weekly Statesman* told of the

roundup of one gang of cutthroats that infested the country and with which Fred Smith had been reported running. The story read:

### JOHN RINGO, GEORGE GLADDEN AND NEAL KANE ARE IN THE TRAVIS COUNTY JAIL

On Sunday, three desperadoes, men who have been a terror in the counties of Williamson, Llano, Lampasas, Burnet, etc were brought to Austin and lodged in jail. . . John Ringo is the party taken from the Lampasas jail by about forty armed men. He is regarded as one of the most dangerous men on the frontier. . . . Gladden is a murderer. . .

But the story made no mention of Smith. The Yegua and Knobs outlaws were known to have close connections with Ringo's men. Jim Brown, sheriff of Lee county, was shot from his saddle in May of that year and had suffered a bad hip wound. He accused Gladden and Kane of playing a role in his bush-whacking. That fall, shortly after the trial Print had undergone for shooting the Negroes in his ranch yard, Sheriff Brown and Print met on the main street at McDade. They shook hands and Brown mentioned that he had learned of the Olives' decision to quit the Texas range.

"We'll miss the likes o' you boys, Print," the lawman said. "Too few cowmen fight back any more against the thieves. If folks don't wake up here, Print, the scalywags will take over the country. There's not enough lawmen to stop them, we need your help and others like you. Why don't you reconsider and stay and fight them?"<sup>6</sup>

"Thanks, Jim," Print answered, "but we've done our part. Some of these damn fools are putting us in the same cut with the Ringos and Gladdens right now. But we've had enough. We ride north with first green grass, Bob and I."

Through November and December, Print busied himself with plans for the trail north. The task called for teams, wagons, remudas and cowboys for at least four more big herds of cattle, 3,000 head to the herd. The fourth herd, a stocker herd, would be left on the Olive land south of Brushy Creek, north of the Yegua. Their livestock for the move would total at least 15,000 head, including the 4000 head of saddle stock for the remudas. Aaron Williams, the

Georgetown blacksmith and horseshoer, sent down three men in December to shoe some of the saddlehorses, tighten the wagon tires, and do other work.

As Print worked out the details of getting such trail outfits together and fitted for the move, he recalled with nostalgia the rattling baggage wagons as they passed the Confederate infantry troops tramping along in the dust at the roadside. The memory of the foragers; the creeping ambulances overloaded with sick and wounded, blood dripping from the tailgates; the lumbering gun carriages and the rattling caissons; the thin and worn-out teams and their red-eyed teamsters; and always the infantry in long thin columns, trudging along at the roadside in the muddy ditches—all these came back to him. And the memory of those hard night marches over rough terrain, Print promised himself that nothing would be spared to make the Olive outfits the “queen of the trail,” even as the Confederate infantry had always been regarded “the queen of battles.” And the great prize, a new and far-flung free cattle range where he could put a thousand cattle on every hill, became his driving inspiration.

In December Print and Bob rode to Austin, the central outfitting point, to hire trail men. There the trail men whiled away the winter months in drink and pleasure, gambling their summer’s wages away at the tables. The process of hiring cowboys was a matter of visiting saloons, buying a round of drinks, and inquiring along the bar who needed a job, always a pleasant task for both Print and Bob who thoroughly enjoyed the conviviality as well as the drinks.

“What outfit?” the cowboys at the bars or tables would ask.

“Olive outfit from the San Gabriel country,” they would reply. “We’re taking 9,000 head through in spring to Colorado and Wyoming. Stay with us in the north if you like.”

Always the work was made to sound as appealing as possible, “Yeah, we got the best cooks on the trail with us—Uncle Willie Teabolt, Jobless Frank Wilkerson, and Tim Hamilton.” Many of the adventuresome young cowhands were flattered to ride with a known “gun outfit” like the Olives. The hard-riding, fighting, whiskey-drinking Olives had long since made their “rep” on the trails and in the brush country, even the decolleté revolver holster, “The Olive,”

being named for them, and the younger men and the novice alike hoped that some of their swagger might rub off on them.<sup>7</sup>

One evening after completing the hiring, Bob walked down Congress Avenue to the Iron Front Saloon for a nightcap. Print, who had engaged in a night-long game of poker the previous night, stayed at the hotel. In the saloon where Bob stopped, a few men stood before the mahogany bar, visiting and drinking. At the near end of the bar, Bob saw Cal Nutt, the Yegua rustler leader. He was dressed in a fine brocaded vest, a grey felt hat setting jauntily on his head, a black forelock hanging out. His black boots were polished to perfection and like many who pretended to a legal cattle business Cal wore a pair of large-roweled, Mexican spurs. His flushed face told he had been drinking heavily. He was alone.

"I'll kill this son-of-a-bitch before I leave the room or my name ain't Bob Olive," Bob swore to himself. But as he approached Nutt, Bob's face was friendly. Nutt had just tossed down a glass of whiskey when he saw Bob. He invited Bob to drink and Bob nodded, standing alongside him at the bar.

Bob's first impulse, and it never changed, was to get close enough to the rustler to talk; to insult him into drawing; then kill him. Both men ordered whiskies, then tossed them down with right hands as though they were bosom friends. Their talk was so quiet that afterward no one remembered that Bob had even entered the saloon.

Soon Bob moved toward the door, Nutt walking alongside on Bob's right. As they reached the doorway Nutt drew and fired, sending his hot slug through Bob's coat. Bob drew Lulubelle and put three bullets into the big outlaw's body before Nutt hit the floor, Cal Nutt's writhing form struck a tall, brass cuspidor, spilling its contents of thick, brown juices over the front of his yellow vest. Bob Olive paused only long enough to see that Nutt was dead, then he quickly stepped from the building and dashed to a side street.<sup>8</sup> Taking a circuitous route from the saloon, Bob hastened to the hotel, awakened Print, and the two left Austin in the night. At six-thirty in the morning they pulled up their lathered horses at Print's ranch. Louisa arose and prepared a hot breakfast while they fed their horses.

"You're back early," she observed. "Did you have trouble?"

"Everything worked out fine, just fine," Print told her. "We're starting north earlier than we expected—in fact Bob's leaving today."

Bob looked up in surprise. But he had no choice. Later, Print assured him, he could come back and stand trial and both he and Ira would stand behind him. "But with Cal Nutt's killing, you ain't got a chance," Print concluded.

Print gave Bob his instructions, supplied him with a map over which Print had outlined the area he wanted explored in eastern Wyoming and Nebraska. He drew it from its waterproof leather case.

"Show this to Ira and tell him to scout that range on the Republican Fork. I want you to work down the Platte from its North Fork. Look over the Loup Forks if you get a chance, there in central Nebraska, east from the Sandhill country. But go down the Dismal from its forks. The buffalo grass in Sixty-nine was up to our horses' fetlocks on Ash Creek. Find a range like that, a big one—fifty to sixty square miles, good live water—and grass, grass, grass!"

Bob needed another name to throw the Texas Rangers off his trail. "Take old Bob Stevens' name. He'll never need it down there on the Yegua," Print laughed. So Bob Olive became Bob Stevens, a name he wore until his dying day.

With his hat tilted back, his spurs jingling, Bob felt good as he hit the trail north. He was riding under an alias, a cowboy wanted by the Texas Rangers. Already he was making himself a "rep." The cool Colorado air felt refreshing in his nostrils as he crossed over from the Kansas line.

Bob reached the Olive camp at Corral Canyon in January, 1877. The weather was cold. Ira was trying to hold the stocker herd in a drought area where half as many cattle would not have done well. Bob talked with the herders and with the new guide, Tom Wray. Wray told him of a better range to the west, equally limited in extent but with better grass since rains had fallen there the previous spring and summer. Bob made mention of the area to Ira, but he knew better than to insist on a move to his stubborn brother. He received Ira's sanction to make a tour of exploration as suggested by Print, then turned his horse toward Cheyenne.

North of the Wyoming capitol, Bob came on to a Carey line camp. He stayed with the Carey men until bad weather cleared up, then scouted Lodgepole Creek and Horse Creek, down to the Texas trail crossing on the Platte near Fort Laramie. All the Wyoming range, Bob learned, was held by members of the Wyoming cattle growers association—and it had a closed membership.

When he left the Carey camp, Bob headed eastward, down the grass-grown ruts of the old Oregon Trail which was etched deep into the prairie sod a foot or more and in places from fifty to a hundred feet in width. The weather was fair and clear, though still cold, and Bob made little side journeys to study the Nebraska panhandle range, talking to ranchers and their hands. North of the Platte River was Indian country, given the Sioux "as long as grass grows and water runs." A few years before, discovery of gold in the Black Hills had nullified most of the solemn promises of the Great White Father in Washington, and the betrayal of the Indians had culminated in the battle of the Little Big Horn the previous summer, wherein Custer and his command were mightily licked by an overwhelming number of the disgruntled tribesmen. Small bands of pilfering young braves still prowled the region, and Bob kept a wary eye open for them.

The ranches of the Nebraska panhandle were even now crowding one another for range, Bob found. Creighton's, H.V. Reddington, Pratt and Ferris, Coad Brothers, the Hart Outfit, Dennis Sheedy, C.A. Moore's spread on Cedar Creek, the Greenwood, or Tusler, ranch, Sturgis and Lane, and others had brought thousands of head of longhorns on to this short-grass area. Drought and hard winters had already sent some Texas men shivering back home. But the remaining ranches claimed every inch of range west of the Chappell Road between the Union Pacific tracks and the North Platte River. Visiting with the cowmen and their hands along the route, Bob soon could define the limitations of the range he rode over. He drank at the spring at the foot of the great bluff called Me-A-Pa-Te- by the Sioux, or The-Hill-That-Is-Hard-To-Go-Around. A Texas cowhand riding along with him down the old Oregon Trail ruts told Bob the folk story of Hiram Scott, the mountain man who was deserted by his companions up the river forty miles while sick. Scott man-

aged to limp and crawl his way to the spring, the cowboy said, and there died. His bones were found the following spring by another party of trappers. Bob shuddered at the prospect of being in Scott's moccasins with such "friends."

Downstream forty miles, Bob came to the new bridge across the North Platte, recently completed by the determined builder, Henry Clarke. The bridge-builder was a bustling fellow with a dozen other plans in his mind for making money. He told Bob of the great opportunities for a cattleman on the range northeast from the bridge in the Sandhills, near the headwaters of the Blue. A stream of humanity was already moving northward, over the new bridge, trekking across the Sandhills to the Black Hills. But they knew nothing of the value of the grassy range. Some were horseback, many rode on wagons, some walked, carrying their earthly goods on their backs in ill-packed bundles. There were among them the rich and affluent as well as the poor. A few had their womenfolk with them, and an occasional family passed along. All had a common goal—the Black Hills and its gold.

Bob viewed the long stream of humanity working its way up the trail like a long column of red ants he had once watched on the Brushy Creek bank. The ants had built their home high above flood tides on the stream's bank. To harvest the wild oat crop thirteen feet below them on the stream bank, a regimental ant column a hundred feet in length was necessary to carry the crop. Like a great moving snake it wound from the bank below where the oat seed lay thick on the ground to the hill-top where they had sunk their shelter. Would the human column harvest its gold crop as the ants harvested their wild oats, Bob asked himself. It seemed doubtful to him. But he knew that his family would harvest their grass-fed beef by converting this grass underneath his feet to beef, then exchanging the beef for the Black Hills gold. But these plodding drones on the trail would never know the value of free grass. Upon this thought he turned his horse south to Sidney, and the Union Pacific railroad. On March 5, Bob arrived at Corral Canyon. Only Nigger Jim was there to greet him. All the other men and the cattle were gone. Jim handed him a note left by Ira that was written by Print. In it were further orders for Bob to take Jim and scout the sandhills area,



working east down the Dismal river. Print planned to be on the Republican with the two big steer herds by July. Ira would return to Texas to help bring up another herd and Tom Wray would bring the she herd downstream to the Texas Trail crossing of the Republican where the rendezvous would be made. By that time, Print underscored in the note, Bob must have found ample range for the three herds and with the grazing potential to carry two or three more herds of equal size.

Bob whistled. It was an ambitious plan. And it put the problem squarely on his shoulders to locate and claim a large range, wherever it might be—north of the Platte in Sioux territory. Bob was glad Nigger Jim was along, for he always felt easier with the tall Negro rubbing stirrups with him on the trail, and Jim had been on the Platte range and knew something of the country down there.

At Ogallala, they outfitted for their tour of exploration, each leading a loaded pack horse when they left. They struck the river ford on the North Platte, west of the town of that name, then moved in a northeasterly direction into the vast expanse of look-alike hills. Near the center of this region, Print had sketched on his map the two forks of the Dismal River sticking out westward like the tongue of a giant rattlesnake while the body formed a long, undulating movement until its rattles dangled in the waters of the Middle Loup, sixty miles to the east. Somewhere along this expanse, unclaimed and uninhabited, must be the grassy range he sought. Could a white man claim and hold it?

All of the area Bob and Jim scanned north of the Platte was Sioux country. From the time Captain Murie and his men chased Turkey Leg, the Cheyenne war chief, and his thieves out of the state and Major Frank North and his Pawnee Scouts beat Tall Bull and his braves, there had been little Indian trouble in Nebraska. After Bvt. Maj. Gen. George A. Custer and his 7th Cavalry were destroyed on the Little Big Horn the previous summer there was an uneasiness among the ranchers and settlers. Could Red Cloud and Spotted Tail, now at White River Agency, control their young braves? Many of the young warriors had cast themselves adrift from their tribe to hunt and steal horses in the Nebraska panhandle and sand-hills north of the Platte. Other small hunting groups lived a wild

and nomadic existence, searching for the diminishing buffalo, camping by the sweetwater lakes in the hills that were covered with wild fowl in season and always filled with edible fish. Only these few Indians enjoyed a life relatively free of the encroaching white man with his abominable and strange form of life. Bob Olive did not relish the thought of meeting up with any of these untamed savages.

The explorers skirted the edge of the big Bratt Circle Range extending from the Birdwood to Whitetail Creek. They passed along the edge of the Keystone range. North of the Platte they learned of plans of other daring ranchers to establish camps on Indian land, the Bosler Brothers and Dennis Sheedy already having claims to the west while north, at the headwaters of the Dismal's south fork, Major Frank North and William F. (Buffalo Bill) Cody had only recently laid claim to range and started buildings. Back between the Platte forks, from Punkinseed Creek to the confluence of the Platte Forks, Kieth & Barton, Russell Watts, Shiedley Brothers, Tuslers, John Iliff, and Moore Brothers occupied every square inch of range. Just six days after leaving Ogallala, Bob and Jim struck their first unclaimed range in the sandhills, a lovely valley downstream from the south fork where North and Cody were erecting their buildings that spring, consisting of a log ranchhouse, a sod stable, and a big cedar pole corral. They followed the fork downstream.

The weather was fair and warm for the season, with the buffalo grass spires beginning to green at the roots on the sunny southern slopes. The Dismal soon became a ribbon of clear, sweet, deep-running water that flowed between steep banks cut in the prairie floor, its silvery loops tossed daintly around each hill it passed as a string of sparkling pearls might grace the throat of a lovely woman. Occasional flocks of prairie hens boomed from beneath the horses' feet as they passed. At the rookeries, on the north bank of the river, where the sun's warm rays fell on the south slopes of the hills, cocks strutted and thumped in the tall grass. For two days Bob and Jim rode eastward through a great wealth of grassland upon which not a single cow appeared. Only bands of antelope, elk, deer, and a few straggling bands of buffalo shared the succulent thick grass pasture.

One morning early, a band of Sioux Indians crossed their trail, traveling northwest along an old Sioux hunting trail. Mean-looking squaws and children followed the thin spotted ponies that drew the travois, upon one of which rode two feeble old men. A pack of angry dogs traveling along the flanks of the column growled nervously and occasionally one barked at them. Jim spoke a quiet warning as Bob's hand moved nervously over to the Winchester in the scabbard. Meanwhile, the Indians moved on, none of the braves making any effort to communicate with the two explorers, and they were soon lost to view among the countless hills. Bob decided they would ride eastward late into the night to put as many miles as possible between themselves and the wandering band.

At the confluence of the Dismal and the Middle Loup rivers they met their first white men, a pair of riders from the Dryden ranch with whom they dismounted, sat in the thick grass and visited an hour. Here, they were told, the range was unclaimed to the west as far as the North & Cody claimings. Bob viewed the surrounding area as an excellent location for ranch headquarters. Following directions from the Dryden men, two days later they turned up Victoria Creek, a small stream flowing into the Loup from the southwest. Following a good trail road, they were soon at the twin shanties of a settler, C.R. Mathews, a crippled Virginian who had settled there three years before, who was now operating the post office he called New Helena, after his old home in Virginia.

Bob introduced himself for the first time under his new name, Bob Stevens, an Olive foreman, searching for range for Olive Brothers. Mathews was courteous but not friendly to the proposal to move in more range cattle. "I've lost my corn and practically all my garden produce to wild cattle," he told Bob. "But it's a free country, even if I dread the appearance of more Texas cattle."

The next morning Bob met the Bowley family. Mrs Bowley was a large, friendly woman who cooked for Mathews in return for the free use of the second cabin at the place. Bob was pleased to have home cooking and decided to wait at the place until the mail carrier, Aaron Crouch, arrived.

Mathews thought the country would settle up too fast to be used as cattle range, and he had some substance behind his opinion. For

he had come to the area with five other men and all seemed willing and happy to stay. Land had been entered by Jake Ross, Ezra Gaswell, Oscar Smith, George E. Carr, Bill Bowley, and a man named Layton. Down the creek a ways an Irishman and his wife, Tom and Liz Loughran, had filed claims. There were the best of relations between the cattlemen and the new settlers and no rustling. Frequently a cowman provided a settler with a cow to milk, so the small children could have milk in their diet.<sup>9</sup> The settler suggested he would like to keep it that way.

Mathews took Bob on a tour of the settlement, introducing him to Harve Andrews, one of the leaders of the community, Oscar Smith, George Carr, and two others, Layton and Gaswell. They were a closely-knit body of neighbors, much like a single family. All but Mathews found Bob's plan of moving in cattle a help to the growing area.

"Faith and ye can do like the porcupines do," said Tommy Loughran, his eyes twinkling, "Cuddle doon and let the longest quills decide who moves next!"<sup>10</sup>

When Bob wrote to Print, sending his letter down with Crouch, the mail carrier, to the railroad, he used Loughran's story to illustrate how the settlers felt about the matter. Further, he told his brother, the central Nebraska range was the finest he had seen since leaving Texas. Then Bob and Jim packed their horses and moved southeast, skirting the sandhills to the Muddy Creek valley.

A light snow had fallen the previous day and was melting before they were three hours in the saddle. Meadowlarks, early on the scene, called back and forth across the prairie land and the wild cry of the kildeers aroused all the prairie wildlife and alerted them to the presence of the visitors who moved across the region. Once a coyote, skulking near the bank of a lagoon, saw them, then threw back a look of suspicion over its shoulder as it disappeared over the crest of a nearby hill. The grass beneath their horses' hooves teemed with wild life. In the ravines and canyons through which they rode the dried grapevines of the previous season were looped and tangled over the thickets of wild plum brush.

An occasional longhorn or small band of cows with calves appeared now and then, feeding always on the sunny side of the hills. Some

wore old Texas brands familiar to their eyes, now vented and with strange new brands they had never seen replacing them on thighs, hips, and shoulders. That evening they followed a dim trail that led up to the yard of a small homestead shanty. Bob halooed from a distance. There came echoing back the familiar call of the frontier, "Ride in and eat!" It was the home of two Iowa men, Dave and Swain Finch. The Finchs were brothers, jolly men. The visitors were fed and welcomed, invited to throw their bedrolls on the cabin floor. In the morning they answered Bob's questions about the range.

"The range is free and no one's using all of it," Swain Finch said. "Tell your bosses to bring their cattle long. There's room for five to ten thousand head here on the Loup. We plan on increasing our own herd all we can, Mr. Stevens."

Bob and Jim stopped two days at the camp of Ed Hollway and Dan Haskell. Bob, who was subject to stomach trouble, spent the better part of the time in his bedroll. He talked with Haskell about range. Haskell had brought a steer herd north from the Brazos. He told Bob of the exceptional growth cattle from Texas made on the northern plains, maturing faster, growing heavier and with bigger bone.

"Horses do the same," said Haskell. "Bring a three-year old mustang north, keep him until he's seven and he'll be two hands taller and three hundred pounds heavier than he would have grown out in Texas. This is the best cow range in the world, bar none!" Haskell picked up a handful of the cured buffalo grass, crumpled it in his palm, and let it drift with the breeze back to the ground. "There's millions of tons of it, laying right here on the ground. It belongs to whoever's cow eats it first. So bring on your four-legged grass-cutters and let them start eatin'!"

Al Wise, the Parker Livestock Company foreman, was also friendly and helpful. Durfee and Gasman's foreman who was present told Bob, "Come on in! The grass is fine!" It was new country. No one was hogging it, all welcomed friendly neighbors. Bob was greatly pleased. The following day he and Jim rode south to the Union Pacific railroad, passing first through a range of high hills on the south side of the river, then across a gentle slope of rolling prairie

that dropped down to the banks of the Platte River, fifty miles to the south. They stopped at the village called Plum Creek. There, Bob checked into the frame hotel run by Jack Baldwin and sent Jim to the saloon for whiskey. Bob was again suffering from his stomach trouble and felt that a hot whiskey toddy might help.

At the saloon, Jim entered, walked to the end of the bar, and waited for service. The proprietor, a big, ruddy-faced Irishman, Bill Green by name, glanced down the bar toward the Negro, then paid him no further attention. Jim waited patiently for a few minutes, dusty, travel-worn in his battered felt hat and worn chaps. Green was now discussing "these colored cowpunchers." Listening a short while to Green's mean chatter, Jim patted the six-shooter that dangled recklessly at his right hip in its holster and spoke loudly enough for all in the saloon to hear.

"I come heah, suh, to buy a bottle of whiskey, not to be made the fool by a bahtender. Now if youall will pass me a quart of thet bourbon ah'll be peacefully on my way."

There was a deadly silence along the bar, then Green handed over the bottle of bourbon indicated by Nigger Jim. Jim paid the bill, nodded, "I thank you kindly," and left.

A Texas cowboy drinking at the bar sidled over to the bartender as the tall Negro stepped out the swinging doors.

"That's Nigger Jim, Print Olive's bad nigger. Pay you to treat him right or leave him alone."

Back at the hotel, a couple of belts of the red liquor under his shirt, Bob was feeling better. Taking pen and paper, he composed a long letter to Print, telling of his discovery of the great, grassy range in central Nebraska. Bob closed with the following words:

This is *the* place, Print. Good range. Friendly neighbors—some Texas men. No rustlers. A railroad within fifty miles to seventy miles of the range. Plum Creek is a nice little town for our women and families. Jim says to tell you, "Dis look like de Jordan rangel"

## Chapter XIII

Bob's hasty exit from Texas threw upon Print's shoulders the task of assembling the herds and organizing the drives alone. He studied the problem carefully, then recalled Ira from the Republican Fork. Added to Print's burdens at this time was a court summons for March 28, 1877, another of the multitudinous cases generated in the cattle wars on the Yegua and Brushy Creek. Print made his appearance. The case was dismissed.<sup>1</sup>

"Lord, may this be the last legal fee it is your servant's misfortune to pay," Print prayed facetiously as he handed Fisher, the attorney, his fee. The lawyer laughed.

"Mr. Olive, a cattleman who has to fight off rustlers as you have had to do will always be a lawyer's best friend," he joked. "Furthermore, the more cattle you own the higher the fee will become. It's unfortunate, but it's a fact. Just consider it a part of your cost of doing business."

Print nodded and grinned. Good business for a lawyer, he thought, but hell on cattlemen. And as a free range man, paying few taxes, the "cost of doing business" meant grub, wages, the price of a few saddles, wagons, and Winchesters—not lawyer's fees.

On April 27, Print and Ira rode to Georgetown where they registered their 1877 Road Brand—a plain numeral 7, a lucky seven, they hoped. The first herd was turned out May 12. Ira rode ahead as trail boss. By May 27, Ira's trail crew passed Fort Worth with Print and another herd just eight days behind him.

Print took a young cowboy, Frederick Fisher, along with him riding point. Fisher had done good work for him in the past ten months and Print liked the young Texan. Another Texas boy, Bion Brown, tall, morose, but a good cowhand, rode left point for Print. Greenup Kuykendall, Print's friend and neighbor on the

Brushy, came along with two hundred head of his own cattle in the herd to be sold at the railroad in Dodge City.

At Fort Worth they lost their wrangler by sickness and another trail hand, stranded on the trail, was hired. He was a big rough fellow named Dennis Gartrell. His propensity for abusing the saddlestock quickly brought him into a quarrel with Print. A second quarrel about a week afterward ended after a flurry of fists and gun barrels, Gartrell emerging second best from the tussle with the wiry trail boss. The other cowboys led the big wrangler to the stream to wash away the blood.

"Print cuts the cards too deep," was all Gartrell said of the encounter. The fight ended the epidemic of sore-back horses in the Olive remuda, and Print personally pulled out the nails from Gartrell's bootheels which he was using in lieu of a pair of spurs. "Dennis can ride 'em slick now," Print told the others.

John Gatlin turned the third Olive herd out on May 29th. He took five Mexican vaqueros, two Negroes, a cook, and three white men with his crew. On this trip he won the sobriquet, "Calico John." A price war had taken place between the merchants of Georgetown and Taylorsville that spring. Yard goods was sold by the competing merchants, and as a result its price fell to fourteen yards for a dollar! Before the herd under Gatlin's direction had left the Pens, the price of calico had become the subject of laughter throughout the area. While shopping for his trail supplies, Gatlin jokingly offered a merchant, F.L. Price, a dollar for fifteen yards of the goods. While Gatlin mounted the wagon seat, he was surprised to find a package of calico, just fifteen yards of it, wrapped neatly for him and added to his bill. The storekeeper and everyone along the street laughed at the sly joke—everyone that is but long-headed John Gatlin. He returned forthwith to the store, ordered ten bolts of the material! Price loaded the calico on John's wagon, the sleaziest, most colorful, brightest patterns in the store which Gatlin had himself selected, wondering all the while what on earth the trail boss could do with the gaudy cloth on a cattle drive.

The cheap calico gave John Gatlin his nickname, Calico John. But it also saved the Olive Brothers many head of cattle, for Calico John dealt the fabric to the Indians in the Indian Territory in lieu



of the more expensive "woha." Many yards of it graced the figures of ranch women from Dodge City to Plum Creek, Nebraska! When John Gatlin reached the Platte River, he tallied sixty-two more head of cattle than he started with! But he was fresh out of calico!

Late in July the trail herds reached the Republican River in southwestern Nebraska. The cattle were strung for miles along the river in Hitchcock County on each side of the Texas trail to graze and await the rendezvous. Tom Wray held the she herd on little Olive Creek, twenty miles west of Corral Canyon, in Colorado.<sup>2</sup>

From springs in the hills, down a gulch they named 4H Draw after the Olive road brand of 1876, little Olive Creek rippled on its way to the North Fork of the Republican River. Halfway down the draw the Olive outfit erected a crude dam to impound water for a reservoir.<sup>3</sup> This lake provided ample water for their herd and was a necessity, since the North Fork was claimed by other cow outfits literally from its headwaters to the Nebraska line. West of the lake they erected one roomy sod house for the bunkhouse and a smaller one for the kitchen and mess hall. A sod lean-to was constructed for the saddle stock, and a protective sod corral was laid up five to six feet in height.

To the west of H4 Draw the range was claimed by the 21 Outfit, a Texas group from Corpus Christi that had entered the range in 1873 with camps on Dry Willow, in 21 Gulch, and on Papoose, or Chief Creek, as it became called. The Olives ran all their cattle to the south of H4 Draw, on the hill land. Near the headwaters of the North Fork was the big spread of J. W. Bowles & Company, with Shad Johnson as foreman. They had come to this range too, about 1876. Joining Bowles to the east were the Reeck Brothers, Frank and Charles, who came about the same time as Bowles, worked for the Benkelman outfit for a while, then struck out for themselves "in cattle."

The Benkelmans and the Bar T, south on the Arikaree Fork, had held cattle in the region since 1873 and ranged far to find good grass. Some of these herds were diminishing as drought narrowed their range and they were compelled to sell down herds. There was no timber of any kind on the stream, and the short grass was both overgrazed and dried out to its roots. East, on the Nebraska line, W.S.

Campbell and Dan Holten held range about four miles apart. Jason Farringer was Campbell's foreman and George Woodward was the Holten ramrod. Down where "Chief" Creek, now called the North Fork, met the Arikaree Fork of the Republican, Jake Haigler moved on range just as the Olives moved in. Tom Ashton then ranched near the state line. This wide but poorly watered range had once been inviting to the newcomers, with mild winters, good grass, and sufficient live water. Now it had become a cramped and uninviting range for those planning expansion, and it took Print Olive only a few days to realize this.

Print first talked with Tom Wray and thanked him for his able management of the outfit after Ira had returned to Texas. When the rendezvous had been made, Wray told of his own plans to get into the ranching business for himself, returning to Dodge where he and a partner held a horse herd. He told Print of his plan to bring the horse herd to the range south of H4 Draw on Olive Creek when the Olives withdrew. With his brother, John Wray, he was further planning a cow ranch on Stinking Water, in southwest Nebraska. Print reached an amiable agreement with Wray to care for the cattle belonging to Elmira, Jay's widow, which were to be left in Hitchcock County, Nebraska, on a road ranch they were establishing down stream on the North Fork of the Republican, at the Texas Cattle Trail. This road ranch also dealt in trail cattle, buying worn-out stock and replacing them with fat cattle to meet Government specifications or other buyers' requirements.

With the herds temporarily settled along the watercourses, Print got off a telegram to Bob, who had remained at Plum Creek awaiting instructions:

RETURN TO PENS ON NORTH FORK REPUBLICAN RIVER IN COLORADO. READY FOR MOVE TO YOUR NEW RANGE, AND YOU BETTER HAVE SOME. MINK AND YOUR NEW BABY, VIRGINIA, BOTH DOING WELL.

I. P. OLIVE

It was Bob's first knowledge he was a father. Within a few days he and Jim arrived at the rendezvous. Though all the men were

prepared to move, Print knew that a long tedious winter lay ahead on the isolated Sandhill range. The cowboys at the Republican camp on Olive Creek had been without any social activities for many months, and the trail boss felt that some activity was needed to break the boredom of their existence. It had been a case of jangling nerves that brought Ira trouble a few months before when he killed Leon, the vaquero, a rider he had always respected and trusted before. In that fuss, Ira had asked Leon to sit his horse closer to the gate, so the wild cattle rushing from the pens would not break off so many horns in the gate or knock down their hips. When Leon failed to do the job right, Ira cursed him. Leon reached for his knife in his boot, and Ira shot him. They buried Leon there on the clay bank above the corrals at Corral Canyon.<sup>4</sup> But it rankled the other *vaqueros*, and when they wrote to Leon's widow, it cost Ira a lot of money to explain it away as an accident. Two years later, Ira struck Nigger Jim in a hot-headed fit and knocked out one of the colored man's teeth. Eddie Abbott, a young cowboy, interceded for the tall bronc rider and stopped the quarrel before it brought another murder. Jim told a friend many years later, "Ah'd a killed Mars Ira, but ah knowed ah'd had to kill Mista Print, too. And he was mah friend, always." It was to avoid such trouble, resulting from tension, that Print planned the Cowboys' Farewell Ball on Olive Creek.

It was late summer, but they set up tents in which to sleep their guests, cleared a wide, level area between the ranch soddies upon which to dance. A raised platform was erected for the five-piece band and their two female entertainers. One of the calf wagons picked up a load of river ice from a sod icehouse on the Platte, and with it iced several kegs of lager. A few cases of rye and bourbon mysteriously found their way into the ranch cargo. When all arrangements were made to feed, house, and entertain the guests for two or three days of revelry, Ira sent riders in four directions to welcome the ranchers, their wives, daughters, and hands.

Now the Olive men shined their boots with lamp black, scraped from the inside of their kerosene lanterns. They shaved, washed themselves in the creek until they were sparkling clean with pink complexions for the occasion, looking more like dudes at a summer

camp than the rough trail men they actually were. Every man in the camp looked forward to the arrival of their guests. Print and Ira beamed as they brought each new arrival through the camp, introducing them to their men, assigning each rancher and his family, to a selected tent that had been erected for them. From the barbecue pit at the front of the sod kitchen came the aroma of beef ribs, caught hot and juicy in the grass fat suet in which they were cooked. There was food for all, and the women-folk from the neighborhood ranches provided the many extras, such as cakes and pies, jellies and jams, that were so sorely missed among the trail men. There were two days and nights of dancing and feasting, good music and clean entertainment. Two squares of dancers swung before the campfires each night, and the cattlemen talked over their mutual problems of range. At midnight, Saturday, August 13, the assembled group sang "God Be with You 'til We Meet Again" and the gathering ended. Early that Sunday morning, with two hours of sleep behind him, Print made a farewell talk to the remaining visitors at a hot roll and jelly breakfast, during which gallons of coffee were consumed. He bid goodbye to the various riders and owners of the neighborhood ranches, then called out all the Olive men.

Horses were roped from the remudas, the remaining beer was dumped into little "Olive Creek," the calf wagons were piled high with the men's gear, and the outfit was made ready for the trail across the Sandhills. All agreed it had been a most enjoyable farewell party, and Print considered it an auspicious start for the drive ahead of them. Riding to a high point above the headquarters camp after all preparations had been completed, he waved his hat three times around his head in the signal "Throw 'em on the trail, boys." The great caravan gathered for miles along the south bank of the river now moved eastward to the crossing.

Bob had left early with a work crew and was now miles ahead. His assignment was to select the new location for their headquarters camp, cut the cedar logs in the canyons to construct the bunkhouses and cook shack, put up some sod or cedar lean-to shelters for the saddle stock, build corrals, and get the place ready for occupation within the month. Late that week after a wearying trip through the hills, he and his men arrived at the Dismal and Bob selected a

flood free location near the confluence of the Dismal and Middle Loup rivers. There they erected the home ranch buildings. It was a well-chosen spot for their operations.

Back on the trail with the cattle, Ira turned the first herd north at the Texas Trail Crossing of the river. The herds were spaced a half-dozen miles apart, each trail herd being accompanied by wagon and trail crew. The cattle were trail broke, anxious to stretch out and walk. Only the cow herd lagged behind. Near the headwaters of Stinking Water Creek, Print turned the long column northeast, paralleling but not using the Ogallala Cattle Trail, until they reached the South Platte River, twenty miles down the river from the new trail town. They crossed both forks of the wide and summer-shallow Platte the same day, gingerly testing the bottoms for the treacherous quicksand and crossing where the ford provided many small islands mid-stream. The islands were covered with rank growths of willows and a tough, wiry slough grass which the animals would not touch. A few cottonwood trees grew along the bank, near which nested wild fowl whose wings boomed in the air as the cattle approached. Finishing the crossing one evening, they made a dry camp in the hills beyond.

Forty miles north of the Platte, now deep in the immense stretches of sandhills, many whose tops had been blown out by the wind until they resembled miniature volcanoes, the lead herd came down upon the headwaters of the Dismal River and followed it eastward across the North & Cody range. Thirty miles eastward, the cowboys commenced peeling off good sized bunches from the steer herds, scattering them along the watercourse until each steer herd had been left on water and grass. The stocker herd they held together until the last, turning them on range just west from their new headquarters. Print established line camps at fifteen-mile intervals in the hills south of the river range, snug dugouts in which two men could winter comfortably while "riding line" and keeping the cattle on their own range when the tendency came to drift with the winter storms.

When the wagons reached the headquarters, Bob's men had a fair cedarwood mess hall and cook shack completed as well as a stout pole corral. A shallow well was now dug a hundred feet distant from

the river, a windlass erected over it, and a bucket hung from a thirty-foot lariat. A storage cave was dug to keep some of their food items from freezing, and the earth taken from the well and cave was used as a mortar to chink the cracks in walls and roof. On the Dismal River, in a pristine wilderness that had known only the tread of the moccasined foot and the hooves of buffalo, antelope, and deer, the Olive brothers and their cowboys set up a cattle empire on the grasslands of the Nebraska sandhill range.

Their first visitors, and the only ones that winter, came a few weeks later. "Doc" Middleton, a frontier character, rode in to camp late one night. With him he brought two companions and, though the Olive men did not know at the time, sixty stolen Indian ponies. One of the men, with a bloody bandage over one eye—"hit with an arrer," Middleton said—they called Scurry. The other man, a tall, spare man with sandy hair, they called Baldridge. Middleton was tall, thin, with black hair and a black mustache. He wore a scraggly black beard as did most plainsmen, and he dressed like them, with one amazing exception—he wore a good, dark blue, wool coat, Prince Albert style, which the cowboys called a "clawhammer."

Middleton proved to be a most friendly man, a good story-teller who charmed all around him. Print was no exception and liked him at once. Middleton knew all the gossip of the far-flung cow country, and how to exchange it at isolated camps for food and shelter. But in the three days the visitors stayed, Print "read him," as he said later, "like you read a worked brand."

For the skeptical and experienced Print, "Doc" traded too many horses. Print had fought outlaws of the worst kind in Texas for ten years. He had little fear of the amiable and ranikiboo bluffing done by Middleton in trying to trade his horses wearing the Crossed Arrows, Bird, ID, and Triangle of the Indian Reservation for Olive stock. And he liked Middleton personally. So Print made a deal with Middleton. The young man could ride into Olive camps whenever he wished. But he could not bring Indian ponies or other ranchers' stock on Olive range. Further, Print told him, "You can steal from me all you like. But if I catch you, which we will, I'll stretch your neck between two saddlehorses. That goes for your men, of course." Doc only stroked his mustache, then replied,

"That's a fair deal, Mr. Olive." Doc and Print parted friends and remained neighborly as long as the Olives held range in Nebraska.

In late October, Print made a trip to Kearney for supplies. Dennis Gartrell drove the six-mule teams hitched to a heavy freight wagon pulling a trail. Barney Armstrong rode along horseback with Print, Barney on Snowshoes and Print on his favorite saddlehorse, White Flanks, a gelding with Steel Dust and Arabian breeding in him. It was the first time Print had seen Old Dobytown for years, and the changes saddened him. The roofs were stolen from the now eroded walls. The troops had departed from the fort. The new town of Kearney now stood on the north bank of the river. It made Print suddenly feel old. At the Bulldog Saloon he exchanged talk of the range and became acquainted for the first time with other cowmen of the new region. On the return trip he headed the wagon west, up the north side of the river, on a good road to Plum Creek, the village Bob had told about. The little village was well-located on the Union Pacific railroad and making some growth. Print visited with the saloonkeeper, Bill Green, whom Bob had met. Unfortunately, the friendly Irishman reminded him too much of his late friend, Fred Smith, and Print was happy to leave.

The next morning they turned the heavily loaded wagons north toward the South Loup River, now forty miles distant. Once before, in 1869, Print had seen the fertile range lying between the Loup and the Platte, when he had helped put a small herd of young steers on the Ash Creek range. There had been little change in the country since that time, though some settlements had sprung up along the river systems and the railroad. But the sea of grass was still there, beckoning the cattlemen. Only the enormous herds of grazing black buffalo had gone.

On the South Loup, Print visited with Finch brothers, J. J. Douglass, who was visiting there, and with other cattlemen. He was pleased at their friendly attitude toward him, and their willingness to share the range to the north. It was a wide, unclaimed area, they told him, thirty miles in width and nearly a hundred miles east and west, lying between the North and South Loup and watered by the Middle Loup, the Dismal, and their tributaries. The Paxton interests from Omaha, and the Parker Livestock Company from

Illinois, now had scouts in the area, studying its possibilities as cattle range. It impressed Print with Bob's mature good judgment, as well as with Olive luck, this rich, new range Bob had explored and selected. As they moved across the range, to the Sandhills headquarters, his gratification increased with each mile traveled through the lush grass. This was no waterless waste as shown on the maps, but a broad pasture with cool springs of live water in many places. Contemplating the empire of grassland which he had finally reached after the many trying climbs up that long ladder of rivers that extended up the cattle trail from south central Texas to Nebraska, Print felt truly happy for the first time in his life. He recalled the hazardous trips across the Indian Nations, the gamble on range land in Colorado, their trek across the uncharted sandhills, trips that may well have appalled the patriarch Jacob. He had gambled his life, his time, his wealth, his happiness—and found much loneliness away from his family—in the belief that at the top of the ladder could be found the means to sustain and increase his herds and their families, and they had won! Now echoing through the recesses of memory, distilled by the many painful experiences of his youth and young manhood to a deeper and richer meaning, came the story of Jacob, his Ladder, his Search for New Life and Happiness and Understanding. As he rode along comfortably astride old White Flanks, Print paraphrased the subtle story to meet this time and his own circumstances:

And behold, the Lord stood above the land and said, I am the Lord God of Abraham, and the God of Isaac; the land wherein thou ridest, to thee I will give it, and to thy seed . . .

The rich promise permeated Print's being. Beneath the heavy iron wagon tires, before him in the great sandy wastes, behind him across the Muddy Creek pasture, under the hooves of the horses he rode—all this and more would become a part of the family heritage, a wealth they had won for the taking, even as they had won the wealth of wild cattle in Texas by forcibly taking them from the bosques and thickets. Now, here, upon this great expanse of cattle range, their families would build a new and freer life. Here they would develop character in their children without the constant war against thieves



that made every man a killer. Here his boys would grow up, erect in the saddle of their father, freed from the hatreds that had dominated his life and the lives of the others of his generation. In the town of Plum Creek they would put their wealth in the banks and withdraw it to build a better community with schools, churches, and civic institutions that would make it a center of culture and respectability on the plains, even as Georgetown was becoming in her section of Texas. Between these two peaceful streams, the Loup Rivers as they called them, was a new Jordan range which Bob had unwittingly discovered, a land where a man with nerve could literally and figuratively put "a thousand cattle on every hill."

These optimistic meditations soon brought on reflections of the past years, and produced in Print a moody remembrance of the hard work, the sleepless nights on the cow hunts, the war-time efforts, the hard night marches, the mental terror. His mind recalled the cattle wars on the Brushy Creek range, the mutilations of his father's fine horses, the defection of his erstwhile friend, Fred Smith, and the subsequent betrayal. Print's grip on the reins of his horse grew unusually tight, bringing to the animal the pain from the curbed bit in its mouth as Print's memory brought back the remembrance of Jay's fight for life. But Smith's brigands and their sawed-off shotguns had done their work well. Yet there had been no joy, no uplift of his own spirits to Print in the revenge killing of Smith. Rather was the memory like others, where he had shot a well-liked saddle horse with a broken leg; or in that case where he had once had to take Blackie, Bob's loved dog, and shoot the rabid animal.

But the past was dead, he told himself. He could now live in peace and with plenty. He had seen the ugliest aspects of human behaviour, at war, and in betrayal of their friends. What was civilization, anyway, but the wolf pack on the kill? Black or white, when a nation or region became settled, all became slaves alike. Uncle Ad Lawrence left for California after seeing only seven smokes from chimneys in his neighborhood one morning. Soon there would be 700 smokes there. Where men elbowed each other for living space, a few would stand on the heads of the many in order to appear tall. A few, but a damned few, would ever reach the top of the

ladder where the trials on each rung called for courage, self-sacrifice in the interest of other men, and great personal integrity. The opportunity was here, now. He would reach out, quick-like and take it.

Barney Armstrong rode silently beside Print, nudging his bay gelding occasionally with a boot heel to make him keep up with old White Flanks, Print's cream colored gelding, now "homeward bound." For an hour, Barney had ridden alongside, lost in his own meditations, principally about his boss. Here was a man, beside him, Barney thought, whom all trusted. The saddle he rode Print had given to him after the Ellsworth trip of 1872. Print's custom was to make his trail men gifts, really substantial gifts of saddles, rifles, or a particularly good horse from the remuda which they had ridden and admired, and expressed a desire to own. But there was not a harder driver in Texas than Print Olive, this Barney knew, and the man he drove hardest was himself. Print gave loyalty as he demanded it for himself. There was no man not worth fighting for—if he was an Olive man. And Print led men, never drove them. That, Barney realized, was what attracted men to Print and his outfit. Trail men loved a leader, just as most of them had loved their better non-coms and officers who led them in the difficult war years. Where a top trail boss would go, all would follow. And the night had never been too dark, the trail too dim, for Prentice Olive to lead his men. This, Barney knew. And as it was said by many men who knew him, "Print Olive knows no fear." One compadre, Dud Snyder, once described the rawhide tough ramrod of the Olive families in a manner agreeable to all the Texas men who knew Print. "He is one tough *hombre*," Dud said. But he was a man's man, Barney reflected, and as he looked sidewise at Print, the boss smiled, then let out a wild Indian warwhoop.

Barney's reverie was broken when Print gave White Flanks more rein, letting the gelding break out into a long lope that tried Barney's bay to stay alongside without making a race of it. The distance between riders and wagon soon widened. Atop the spring seat of the lead wagon, Gartrell was now popping the bull whip over the mules' backs, attempting to move the heavy loads faster as the figures of Print and Barney grew small in the dusk ahead. Gartrell

knew he was in Indian country, Sioux country, and the big wrangler preferred the presence of Print and Barney than the lonely trip to the isolated ranch ahead in the sandhills all by himself with the mule teams and wagons.

"Hee-ee-ee-ee-yah-a-ah! Hee-ee-ee-ee-yah-a-ah!" his voice bellowed out over the hills as he cracked the shot-loaded whip over the straining animals. But the riders soon disappeared from sight over a hill. Behind them they could hear Gartrell's bellowing, "Hee-ee-ee-ee-yah-a-ah! That goddammed Print and that goddammed old White Flanks to hell! Hee-ee-yah-yah!"

Print and Barney lengthened the distance and within a half hour rode into the headquarters ranch on the Dismal for the night. Print handed one of his men the reins, saying to the other men, "Take Dennis' teams when he rolls in and care for them. Leave the stuff on the wagons."

In the mess shack he told the cook. "Dennis will be here in an hour, Sam. Keep a good hot supper waitin' for him. He'll be hungry—and mad as hell!"

## Chapter XIV

The winter months passed slowly for the men in the isolated cow camp on the Dismal River, but with early spring came the roundup which meant strenuous activity for all.

Bratt's cattle from the Birdwood that had drifted down on to the Olive range were pushed back, and the North & Cody wagon met the Olive riders at the Dismal fork to claim their cattle from the throw-back. There was little drift from the sparse ranches on the Niobrara that winter. Print observed that the direction of the drift of cattle in a normal winter was toward the southeast, following the drainage of the Loup River system and not, as he had expected it to be, directly south as was usual over most of the Great Plains country.

On the roundup this spring of 1877 the Olive men reported hearing whisperings of rustling. There were no complaints west, south or north of the Muddy Creek valley. But eastward, in the Clear Creek valley, there had been cattle losses. Jim McGinn, a small rancher who held cattle west of the Clear Creek area, talked one day with Print at the wagon. McGinn told of his loss. Mostly calves, he said, entrails, hides and heads left hidden in plum thickets and ravines, the meat hauled away. Print offered to let McGinn share the range farther west but the Irishman declined.

"There's too much tendency to winter drift toward the Clear Creek valley," McGinn said. "I'm fixin' to move farther up in the hills."

"Who's stealing your cattle?" Print asked.

"Some new settlers on Clear Creek," he told Print. "There's a pair of 'em supplying the markets at Grand Island and Kearney. A butcher at Kearney told me. There's one family of brothers named Ketchum, a tough lot, trappers, hunters, ready for a fight—all good shots."

Print touched the butt of his Colt. "You got a remedy for that," he said.

"But there's others, too," McGinn added. "There's old man Mitchell, a rough old codger. And a young tough—Manly Caple. Some say that—"

"Well, that's enough to start with," Print interrupted. "They all from Clear Creek valley?"

"Yeah and from Sherman County, east of here. They call beef 'slow elk'—sort of a code name among the thieves—they say 'my, ain't the elk slow to leave the Custer County range?' "

Print turned to other business of the roundup. But he didn't forget Jim McGinn's story. When the roundup was completed, Olive brothers moved 6,000 head of their mature beef steers to the better grass of the Middle Loup pasture. The move put their beef shipment for that year thirty to forty miles closer to the shipping pens at Plum Creek. It also put their calf crop within reach of the rustlers. Since both Ira and Bob, as well as himself, now looked upon Plum Creek as the town for their families, the move was regarded as a part of a whole movement toward the range southeastward from the sandhill headquarters.

At thirty-seven, Print had spent most of his adult life in army camps, on the trail, and in the cow hunters' camps along the Brushy and Yegua. He hungered for the good home their financial successes could well afford them. Ira, a few years younger, also aspired for greater security than the trails provided, and his socially-conscious wife would never be content upon an isolated ranch, he knew. Bob alone, among the three brothers on the Nebraska range, found a greater satisfaction in the cow camps than he did with his new wife at home. At twenty-three he was a spirited young man, active, capable and with an adventuresome turn that was yet to be satisfied. True to his nature, while Ira and Print were getting their families moved to Plum Creek and established in the fine new homes they had built them, Bob was busy ferreting out the identity of the cow thieves to the east on Clear Creek and studying their techniques and habits.

The settlers along the Loup River in Nebraska were, for the most part, honest, hard working, and ambitious people. Many reached

that part of the frontier with little more than the clothes upon their backs. They settled down to a life of routine drudgery which eventually brought them property in land and the freedom that came with being a propertied class. They had hacked their holes into the side hills, built dugouts, broke the tough black-root and buffalo grass sod with grasshopper plows and planted their furrows of corn and hills of potatoes by hand. And they survived. The first hard years on the frontier were a bitter struggle with nature, a constant search to find food enough to sustain life. The struggle was frequently softened for many settlers by the kindness of neighboring ranchers who, noting the pinched faces of the children, would make the loan of a longhorn cow to provide the babies with milk. Most settlers were appreciative of this kindness, and when summer came repaid the ranchers with green vegetables from their gardens.

But there were a few, a very few, who found the struggle too hard, the pinch too severe, the life too difficult for them to continue to hold on by honest effort and self-denial. These few repaid the ranchers' kindness by stealing their beef, butchering it, and selling it for cash at the Kearney markets. It was one of these settlers whom McGinn had mentioned to Print. Now Print, Ira, and Bob and their riders listened for more evidence of rustling on the range. They soon heard more about Manly Caple.

Nimrod Caple, Manly's father, was a small cowman and settler who made a claim on Spring Creek, in 1875. By 1876 he had abandoned the struggle and left. Manly stayed on.<sup>1</sup> Recently he had returned from an unsuccessful search for gold in the Black Hills. Now he teamed up with another young settler, Ami, or "Whit," Ketchum, to make gold of the cattlemen's livestock. Ketchum lived with the Mitchell family on Clear Creek. Luther Mitchell was a middleaged man, married to a widow whose name had been Snow. The Mitchells had four children: Tamar and Sam Snow, both of whom had retained their father's name, the girl being about seventeen and the boy about ten, and two younger children of Mitchell. It was said in the community of the Clear Creek settlement that Tamar Snow and Ami Ketchum were "that way" about each other, and they did attend the neighborhood dances together. And it was not long before both Ami Ketchum and Manly Caple ran into

trouble with the Olives when Barney Armstrong and Pete Beeton found Caple driving Olive steers into a corral near Sweetwater, in Buffalo County, owned by a man named Christiansen. The Olive riders pushed the steers back to Olive range and took Caple to the Buffalo county sheriff's office. Cap Anderson, the sheriff, questioned Caple, who implicated Ketchum.\* The Olive cowboys, unfamiliar with legal processes, failed to press the charges. But they told Print what had happened and what they had seen. Meanwhile, more Olive cattle and calves disappeared in that region. And Bob Olive was keeping his ear close to the ground.

Before April, of 1878, an event transpired that cast a black shadow ahead. Jim Roberts, a settler northwest of Sweetwater, was caught with some Olive hides. Roberts was a fast friend of Judge Aaron Wall, a big-framed, curly-haired, and personable fellow who had gotten himself elected Judge of Sherman County. Some time later, Roberts was brought before the court of Judge Hutchinson at Sweetwater to answer to the charge of cattle theft. Hutchinson's court was held in his living room at his home. Those present for the preliminary hearing were Constable Bill Wilson, H.V. Capellan, the judge's wife, and her friend, Mrs. Laura Beyer, later of Louise, Texas.

While the judge and the accused man were discussing the case, court not yet having been called into session, Aaron Wall appeared at the door. Wall stated that he was Jim Roberts' counsel and that he wanted in the house. Judge Hutchinson admitted Wall, permitted him to discuss the matter with his client, who was guarded by Capellan, who was unarmed. Following a heated discussion with Judge Hutchinson concerning jurisdiction, Wall suddenly handed Roberts a six-gun and advised him to break away from the court.

"That's strange advice, coming from a judge of a neighbor county," said Capellan, cautioning the pair not to try to break away. But Wall and his client strode from the room, ran to the barn where Wall had left a rig waiting. Whipping up the horse, they never slowed down until they had crossed the Sherman County line.

Judge Hutchinson knew that it was Wall's plan to try Roberts in his own court in Sherman County, so he promptly issued a warrant from Buffalo County for the arrest of Wall for "aiding and abetting in the escape of a prisoner" and for his complicity, as it now seemed,

in the theft of the cowhides, stored in the outbuilding that was rented by Roberts at Sweetwater. The following day a posse consisting of Constable Wilson, Robert Hodges, Daniel Adams, Salem Town, and S.P. Christian was formed and immediately left for Loup City, where Judge Wall resided, to make the arrest. Bob Olive had been notified that Roberts would be up before Hutchinson's court that day and, with Sam Carr, rode over to press charges for Olive Brothers. They met the posse just as it was leaving Sweetwater and joined up with it, being deputized by the constable to assist him. By this time, the charge of cattle theft against Jim Roberts had been obscured if not forgotten in the jurisdictional dispute between the two neighboring town judges.

In Loup City, a town of less than ninety inhabitants, the total count including several nearby settlers, the posse found Wall at his home.<sup>3</sup> Wall's home was a small frame building set apart in a newly-planted grove, not far from the tiny cluster of buildings that made up the main part of town. The burned out remains of the old courthouse, the walls still standing, in which Judge Wall stabled his team, stood nearby. The constable approached and knocked at Wall's door. He read Wall the warrant for his arrest.

An acrimonious debate followed, the angry judge snatching the warrant from the constable's hand and flinging it to the ground. Wall contended that the Buffalo judge had no legal right to arrest him, and he delivered a lengthy legal opinion to this effect. Wilson again tried to serve the warrant. This time the judge, who was paring his nails with a pocket knife, struck the constable, cutting Wilson's vest. Wilson promptly drew his revolver and would have bludgeoned the judge had not a cooler head, Hodges, stepped into the discussion.

"Be careful, Bill," Hodges said, "we don't want any violence!"

"Then someone tie this damned fool's hands so we can take him back to Sweetwater!" Wilson exclaimed angrily.

No sooner were the words spoken than Bob Olive dropped a small loop of his lariat over Judge Wall's shoulders, pinning his arms to his side. As the judge attempted to throw the rope loose, Bob, who was still mounted on his horse, jerked the judge to the ground by touching the horse with his spur. Finding himself powerless when match-



ed against the horse, Judge Wall turned to guile, agreeing that he would stand trial in Buffalo County but that he was entitled to have Sherman County officers and other citizens accompany him to Sweetwater with the posse. Wilson agreed, and a messenger was sent to bring Wall's men, Reuben French, the Sherman County deputy, and others. The rope was removed from Wall's shoulders and while they waited he suggested they walk over to the Massasoit House, the local hotel, to wait in greater comfort. All agreed and Wall led the way, going upstairs to the second floor.

The Buffalo County officers were not aware that since the courthouse had burned, court was being held in the very room to which Judge Wall led them. Wall busied himself at a desk and when his deputy, French, arrived, Wall suddenly came to life.

"Officer," Wall directed, "I command you to call Court into session."

Bob Olive was the first to become aware of Wall's cunning trick, probably because Bob had been in courtrooms almost as much as the judge, and he sprang to his feet, drawing his six-shooter. Sam Carr also stood and drew his revolver.

"Oh, no you don't, you son-of-a-bitch!" Bob cried at the judge. "You're the one who is going to be tried!"

Salem Town quickly moved over to Bob's side. "Them's my sentiments, too!" he shouted. But now Constable Bill Wilson stepped between the judge and Bob.

"Just a moment, Mr. Stevens—" He held out his two hands as would a referee separating two boxers. "Let's have no shooting in this court!" Bob lowered his gun. The constable continued speaking.

"I agree that what Aaron Wall is doing is unethical if not illegal, but we can't do anything about it. This is *his* court. He is an official of the law, duly elected by his *confederates*—so I hear. But let's not break the law because he breaks it." Wilson's words were like chilled steel and intended to penetrate the bench. Disgusted, Bob shoved his six-gun in his holster. Sam Carr followed his example. But Salem Town, his temper aroused by Wall's sly trick, continued the argument against the judge while Wall beat frantically on his bench with a heavy brass notary stamp in lieu of a gavel.

"Aaron Wall, you're the biggest damn rascal and four-flusher this town's ever seen. There's been more trouble, more—" But now the deputy, French, grabbed Town, effectively silencing him. Judge Wall glared down from the bench.

"Salem Town, I fine you thirty dollars for contempt of this court. You are remanded to the jail until this fine is paid. Now, deputy, bring along those other prisoners, Stevens and Carr." Bob and Sam shuffled forward under the urging of Martin Brumbaugh, the bailiff, a claim jumper in the neighborhood, and another deputy, John Harkins, a hard case, who had come to the session carrying a sledge hammer on his shoulder. The judge quickly fined the defendants, but made no further effort to disarm them. Bob paid the fine. Passing by Constable Wilson on the way back down the aisle, Bob asked. "Well, what do we do next?"

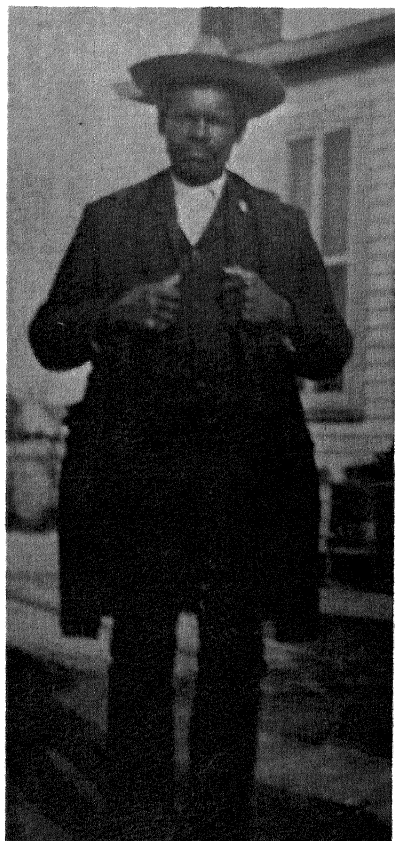
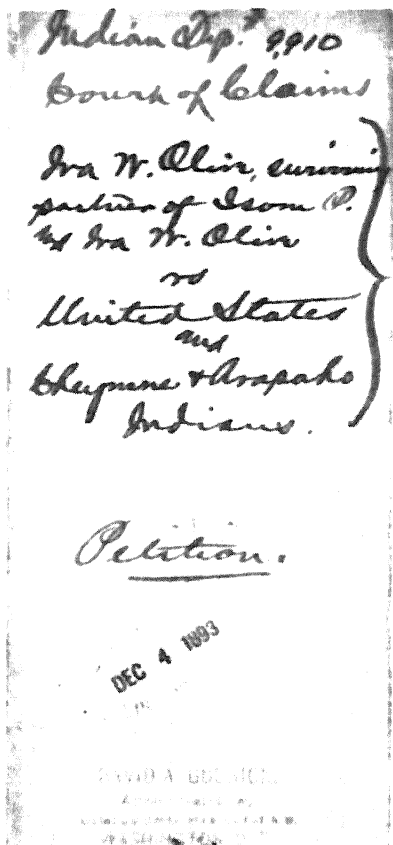
"I don't know," Wilson answered, "but we're getting the hell out of this town fast."

"It's a court of coyotes with a lobo on the bench, if you ask me," Bob said, looking back at Judge Wall.<sup>4</sup>

Down the stream called Dead Horse Creek, Bob and Sam left the beaten posse. "You gents pass the word along that any man caught driving Olive cattle, riding Olive horses, or hauling Olive beef will get hung to his own wagon tongue," Bob advised them. Then he and Sam headed for the home ranch.

A week later a rider brought news of Judge Wall's final decision in the case. Wilson was fined thirty dollars, presumably for saving the judge's neck in his own courtroom. Hodges was given a ten dollar fine, though he had never entered the courtroom, since he was guarding Roberts, the prisoner, at the Wall home. But Wall's judicial decisions were not vindicated. A group of his own townsmen rose up against the injustice of his court and demanded that the fines be revoked. Wall yielded and reduced Wilson's fine to five dollars and Hodges' fine to a dollar. Even those sums were never paid. But Bob never recovered the gold coins he laid on the judge's bench.

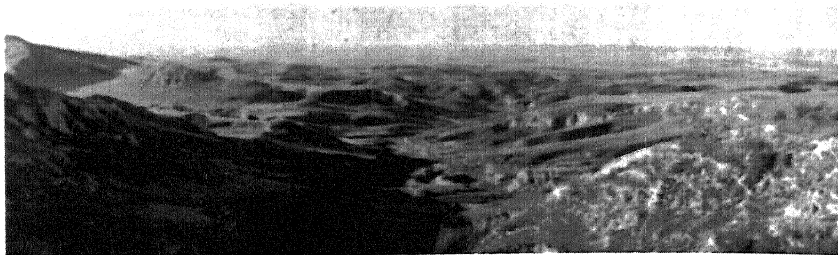
Print listened to Bob's story of the Loup City trial in Wall's court. "Bob," he said, "we're in a bad spot. We've more than twenty thousand head of cattle out there and we're at the mercy of these settlers' courts like this one at Loup City. I've tried to get a cattlemen's



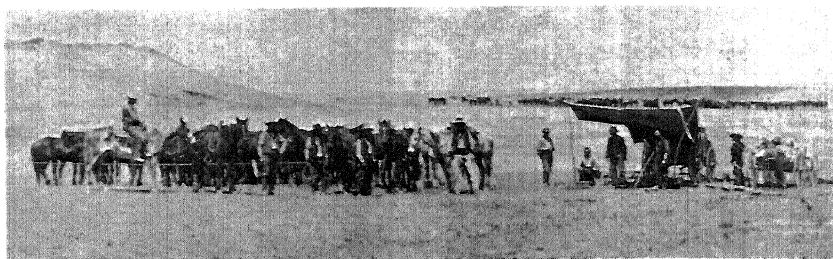
Indian depredations case No. 9910. In the spring of 1879 an Olive horse herd under trail boss George Griffin crossed Driftwood Creek, entering the state of Kansas and pushed north up the Medicine River to a point just east of the village of Medicine Lodge. At that point Cheyenne and Arapahoe Indians who had been following the herd for several days, stampeded the herd, driving them back into the Cherokee Strip. The Indians gathered many of the swiftest of the horses, driving them south to the Cheyenne and Arapahoe Lands. Griffin and his men, Marion Olive, a younger brother of Print and Ira, Bob and Lewis Van Zandt, Jeanie

James (Nigger Jim) Kelly, called "Olive's Bad Nigger." Born about 1839. Died February, 1912. He came north with Olive herds of longhorn cattle in 1876-7 from Williamson County, Texas. Worked as a trouble shooter on the trail, cook, rider of the rough strings, horse breaker for Olive Brothers. Spent his declining years at Ansley, Nebraska, and is buried there. *Photo courtesy Custer County (Nebr.) Chief.*

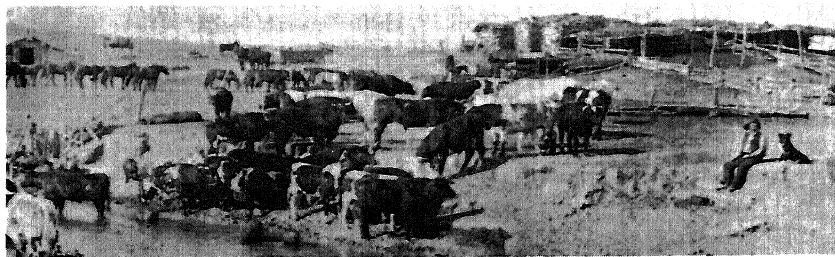
Simmons, Martin Sides, Barney Armstrong, "Doc," a wrangler, and a Mexican *vaquero*, unnamed, attempted to gather the stolen horses.



This scene, looking north toward the north fork of the Platte River in Nebraska, is the area of the old Texas cattle trail that went north from Ogallala to the Indian Reservations. The breaks of the river show plainly in the foreground. The hills on the horizon are "Sioux Country," forbidden land when the Olive Brothers crossed the North Platte River with 15,000 head of longhorn cattle and turned them out onto the Dismal River range in the great sandhills. *Photo by author.*



An early day cattle roundup on the Loup River in Nebraska. The horses to be used that day are held in the rope corral. The entire remuda for a large roundup outfit can be seen in the distance. To the right of the corral is the chuck wagon with tarp spread over it to offer shade. At the right of the chuck wagon is another light rig to carry additional gear. Picture from H. W. Foght and W. W. Haskell's *The Trail of The Loup*, pub. 1906.



Tommy Loughran, pioneer settler on Victoria Creek, Custer County, Nebraska. When Bob Olive asked the Custer County settlers, if they would oppose the movement of 15,000 Texas longhorns belonging to the Olives to run in their area, old Tommy Loughran said, "We'll do just like the porcupines do; move in and we'll see whose quills are the longest." *Photo from Butcher's History.*



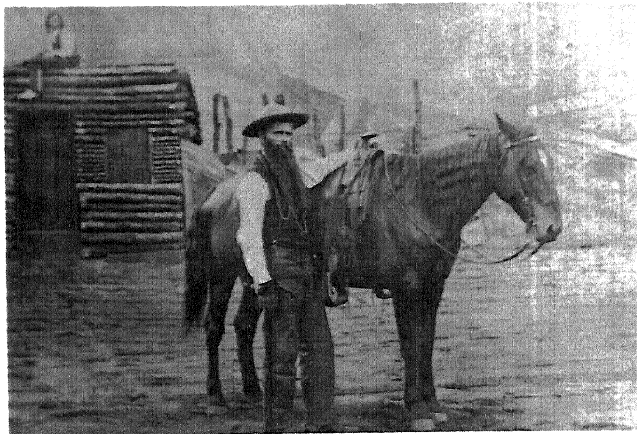
William F. Cody, "Buffalo Bill." Cody and Frank North established a ranch on the South Fork of the Dismal River in Nebraska in 1877, west of the Olive range. Though the ranch was not long in duration, since North was sick with asthma and Cody soon turned away to show business, the enterprise is one long-remembered and one of the early ranching attempts in the area. They branded with an NC Connected and rode on the roundups with the Olive men. The ranch headquarters, just a ranchhouse, stable and pole corral, was at the southwest corner of Hooker County, was typical of the early cattle enterprises in that section. *Photo courtesy Russ Langford, Golden, Colo.*



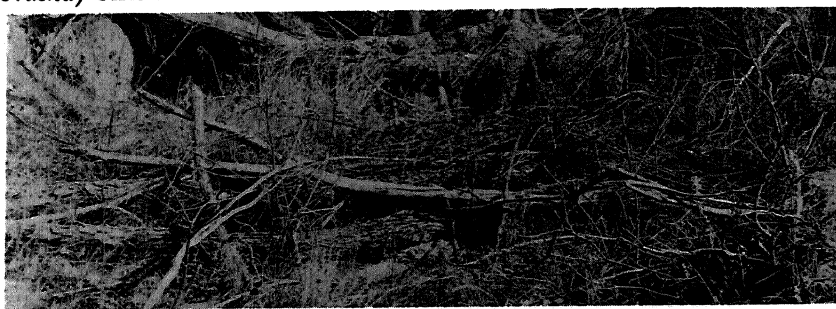
Maj. Frank North, noted Indian fighter and scout, and William F. (Buffalo Bill) Cody established their NC ranch at the headwaters of the Dismal river's south fork, shown above near the confluence with the north fork. The region was wild, raw and new, the immense stretches of the Sandhills country affording fine buffalo grass for grazing, its many small cedar-filled ravines and canyons providing winter shelter for the cattle. The North-Cody operation commenced the same year (1877) that the Olive Brothers chose range along the Dismal for their big operation. The area is still today one of America's finest natural cattle ranges. *Photo by author.*



At the confluence of its forks, the Dismal River in the Nebraska Sandhills winds its way eastward between high, cedar-covered banks. From this point eastward, the Olive Brothers in 1877 threw 15,000 longhorn cattle along its grassy banks. *Photo by author.*



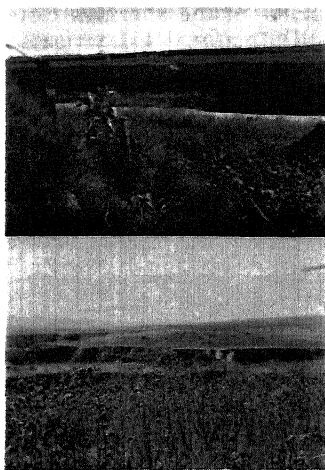
David Cherry (Doc) Middleton, 1851-1913, though outlaw and horse-thief, became something of a folk hero in Nebraska, Wyoming, and South Dakota. He was finally captured after being tricked and shot, the summer of 1879. Sentenced to 5 years in the Nebraska State Penitentiary, he was released on good behavior, in 1883, after serving more than 4 years. He reformed, married, raised a good family at Edgemont, S. D. The 1,000 mile horse race, Chadron, Nebraska, to Chicago, starting June 13, 1893, attracted Middleton. One of his horses gave out but he did finish the race, which ended at Buffalo Bill's Wild West showgrounds, where the above picture was taken. Indians and show props can be seen in the background of Doc's Quixote-like photograph. Doc won only a blanket with "Chadron to Chicago" emblazoned on it. Doc here has his jaded horse curried and waved for its picture. In 1913, Doc was jailed at Douglas, Wyoming, for selling whiskey. He died under somewhat mysterious circumstances in the Douglas jail. *Photo from Mrs. L. J. F. Iaggar (she was the wife of "Billy The Bear" Iaggar), Feb. 1931, courtesy Custer County (Nebraska) Chief.*



Old hide-out of "Doc" Middleton on the Niobrara. Ruins show underground home on the Niobrara connected to an underground stable about 300 feet to the north, by a passage lined with logs going in behind the large stone back of fireplace and connected with underground well. *Courtesy Custer County Chief (Nebr.) collection.*



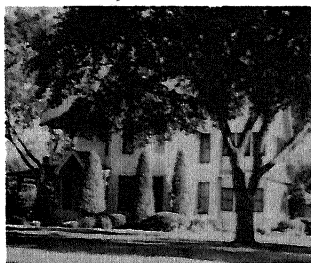
The old Olive ranch on the South Loup, Custer County, Nebraska. This fine range was claimed by the Olive Brothers in 1877-1880. The scene looks eastward from the Olive ranch headquarters down the South Loup River. *Photo by author.*



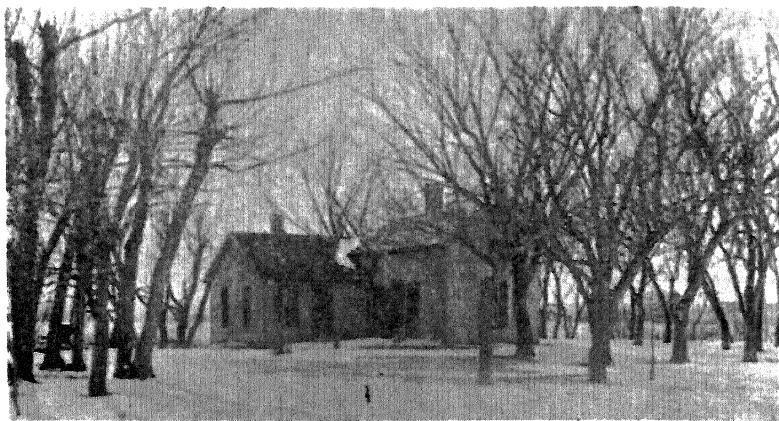
Two views looking down into Corral Canyon from a position on the old Texas Cattle Trail to Ogallala, Nebr. Corral Canyon is seven miles east of Haigler, Nebr. Both views above taken from the J. L. Roach ranch, Haigler. The Olive Brothers used Corral Canyon the fall and winter of 1876-7 to hold their herd of Texas longhorn cattle. They later moved the herd to Olive Creek, east of Wray, Colorado. *Photos by author.*



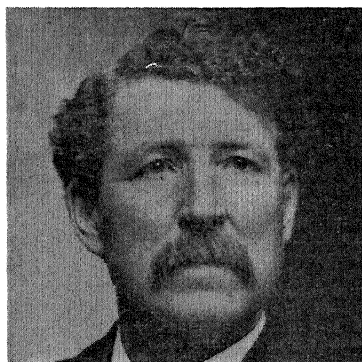
Two miles east of Wray, Colorado the little spring-fed stream called Olive Creek flows down to the Republican Fork through a draw old-timers still call "H-4 Draw." The draw was named for the Olive Brothers road brand of 1876, showing the durability of the old cattle brands. The stream was named for I. P. (Print) Olive, trail boss that year. *Photo by author.*



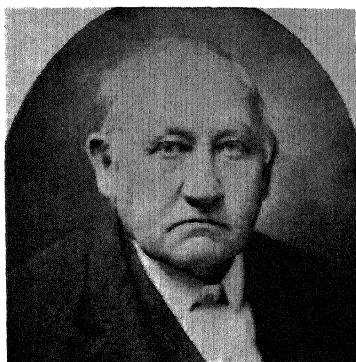
The old Ira W. Olive mansion in Lexington, Nebraska. *Photo by author.*



Above shows the Loup City, Nebraska, home of the Sherman County Judge, Aaron Wall, about the time Wall attempted to extricate his friend Roberts from the preliminary trial for cattle theft in Buffalo County in Justice Hutchinson's court. Wall's home was surrounded by the Buffalo County posse, of which Bob Olive and Sam Carr had been made deputies to arrest Wall for aiding and abetting the escape of a fugitive from justice, the man Roberts. Wall was furious, but eventually won out by tricking members of the posse into his own court and fining them. *Photo courtesy Denver Public Library, Western Collection.*



Aaron Wall, county judge, Sherman County, Loup City, Nebraska, 1877-1881. During his tenure as county judge, Wall was involved in the defense of several cattle rustlers in the Clear Creek vicinity and near Sweetwater, Nebraska, where he had formerly resided. He was a bitter enemy of the Olive men. *Photo courtesy Denver Public Library, Western Collection.*



Judge William H. Gaslin, Jr., 5th Judicial District of Nebraska, was chiefly responsible for bringing Print Olive and his cowboys to trial for the lynching of Mitchell and Ketchum, the cattle thieves who had killed Print's brother, Bob. The Supreme Court of Nebraska found Gaslin without jurisdiction. *Photo from Butcher's History of Custer County, Nebraska.*





"The Devil's Gap." Near this gap in the hills, Mitchell and Ketchum were hung by I. P. Olive and some of his cowboys. Two Plum Creek businessmen attended the hanging. This area still retains its pristine beauty and makes fine cattle range. It is not easily accessible and the author saw three fine deer here during his brief visit to the spot in July, 1955, when the photo was taken. *Photo by author.*



The old Mitchell soddy on Clear Creek. The above picture was taken August 4, 1888. Olive's cowboys and other ranchers, seeking the settlers Mitchell and Ketchum who had killed Bob Olive, burned down the roof of the original soddy (the only flammable part of the structure). Neighbors rebuilt it for Mrs. Mitchell and she lived here for sometime after her husband's death, later moving to Loup City. *Photo from S. D. Butcher collection.*



Bob Estergaard, upon whose father's land the noted hanging of Mitchell and Ketchum took place, stands beside the author's wife at the site of the burial of the two unfortunate settlers. The place had been beside a cut bank, which was roughly caved-in upon the dead bodies by an indolent ranchhand, paid by Print Olive to make the burial. Coyotes and wolves soon dug into the shallow burial to wreck further mutilation upon the burned bodies. *Photo by author.*



Here, near the "Devil's Gap," is the exact spot where the settler-rustlers Luther Mitchell and Ami "Whit" Ketchum met their doom at the hands of Print Olive and his cowboys, December 11, 1878. Burial was later made about 100 yards away where arrow points. *Photo by author.*



The above photograph shows the burned bodies of Ami W. Ketchum, left, and Luther Mitchell, right, as they lay behind the undertaking establishment at Kearney, Nebraska. The picture was taken by H. M. Hatch, Kearney photographer. In the picture above, the bodies are transposed from the position in which they were hung. Mitchell's left arm, at the time of the hanging, was manacled to Ketchum's right arm. Mitchell's body, which dropped to the ground when the hanging rope burned through, was burned to a greater extent than was the body of Ketchum. *Photo from Butcher's History of Custer County, Nebraska.*

group formed, but it's too late. The ranchers sympathize, but we'll all be stolen blind before they'll act."

Bob coyly suggested that they let the neighbors' stock roam past their drift camps into the rustler's area. "Time they lose a hundred head of their own calves they'll understand what we're talking about," he said. "Barney and Miguel saw a big-bag cow with an Olive brand bawling at a fresh calf hide hanging on those settlers' fence. Know what old man Mitchell's woman said? Said they'd just butchered a calf of their own to eat!"

"H-m-mph!" Print snorted. "Those damn people don't butcher their own suckin' calves to eat—they're butcherin' our stock. A damn sod-buster like Mitchell don't know that you can't fool a mother longhorn about her own smell. I've seen them after a stampede that mixed 'em like dice in a cup, but give them a day, two days, and every cow had her own calf by her side on the trail again."

A few weeks after their talk, a story came direct to Print that infuriated him. The story was from the lips of reputable settlers, honest folk who were new in the region, Mr. and Mrs. W.W. Potts. They came up the Clear Creek valley in their covered wagon, all their possessions piled high in the wagon, looking for a location for their claim. That night they stayed at the home of Asa Gipes, another settler. The following morning, as they came up out of a canyon on the trail road, they passed a young man who had a load of beef on his wagon, quarters and halves. At noon, they arrived at the soddy of Luther Mitchell and his wife, the place where Ami Ketchum, who had been in trouble with the Olives, also lived. There they had dinner with the Mitchells.

As they were seated at the table, Mitchell asked them if they had ever tasted elk meat, placing a large platter of roasted meat before them. The newcomers remarked that they had not yet tasted the wild game, considering it unusual since they had not seen any elk in the region.

"Well, you are eating elk meat now," Mitchell told them, looking with a sly glance at Mrs. Mitchell, who cast her eyes down as he spoke.

The Pottses ate the roasted meat, which had none of the character-

istics of wild game. "If you hadn't told us this was elk meat, I would have sworn it was just fine, grass-fed beef," Potts declared, selecting another large piece from the platter,

Later, Print was told, the Pottses learned that the young man whom they had met that morning in the canyon on the load of beef was Ami Ketchum, the young blacksmith, who lived with the Mitchells, Manly Caple's confederate. The beef was destined to the butcher, Gebhardt, at Kearney.<sup>5</sup> Print decided to pay a visit to the seat of the trouble, to see what was taking place in the Clear Creek valley. Bob, who had been taking care of the line camps to the east, and Ira rode along.

At a gap in the hills, near the river ford, they met Anton Abel and B.F. Hassan, neighbors. Both men told of also having losses of cattle. "Those rustlers will look damned funny," Print remarked, "with their necks stretched on these trees." He pointed upward to the hackberry trees above them.

At the Buffalo County sheriff's office, Anderson, the sheriff, told them about Caple and Ketchum. Ketchum was vain and arrogant, the sheriff said, and had made the brag in the community that he could out-shoot or out-fight any Olive who straddled a horse and was not afraid of all of them. He and Mitchell had come from Merrick County, to the east. Anderson mentioned a man at Sweetwater who was an accomplice of the two. His name was Christiansen.

When the Olive brothers, accompanied by three of their riders who had joined them, rode up to the Christiansen place near the town of Sweetwater, eighteen head of cattle stood bawling in the corral. The windmill was tied down so it would not pump, though there was a good breeze blowing, and the tank was empty, dust in the corral showing the cattle had been without adequate water for several days. Print dismounted, walked to the door and knocked several times. There was no reply from within. Print tried the latch, found it tied down inside. He kicked the door open. Within, a tall, middle-aged man with a sickly pallor stood facing the doorway. He was Christiansen. Print asked about the Olive cattle standing in the corral. Christiansen told a thin story about buying the cattle and Print asked for proof in the form of a bill of sale or release from Olive Brothers. The settler made a pretense of making a search for

the papers in a small, dog hide covered trunk in a corner of the room but could not produce them. Then he switched his story, telling Print that he was legally holding the cattle in the corral to keep them from running loose, and cited the Herd Law as his authority to pen cattle that were loose on his land. Since the man had no garden, no haystacks, nor anything the loose cattle could bother, Print grew very angry. Pulling his six-shooter from its holster, he struck Christiansen a hard blow on the side of his head, knocking him to the floor. When the settler regained his senses, Print gave him a cursing.

"You weasel-eyed son-of-a-bitch, you better get out of this country as fast as your horse can travel. If I catch you letting them rustlers put cattle in your corrals again, I'll hang you on your own wind-mill." Without a back ward glance, he left the house.\*

On the way back to the ranch, they discussed the rustling that was taking place in that area. "There's more here than the settlers involved," Bob told them. "Take this pale-faced man, Christiansen. He don't have sand enough to rustle on his own. Someone's using them corrals. But there's power behind him—more than Mitchell, Caple, or Ketchum. By the way, who in hell is the law in these parts, Barney?"

"The big bull is that lawyer-judge, Aaron Wall," Barney answered. "He used to live down at Sweetwater, near Christiansen, but he's now the o'ficial judge up at Loup City, in Sherman County. Jes' moved up there afore the election."

"How in hell can he live in one county and get elected in another?" Print asked, turning in his saddle. "Laws must be different up here than down in Texas."

"Maybe he's like me," Bob bragged, "law don't mean much to some people." He chuckled at his little joke, but Print only scowled.

"There's something damn fishy," Print said. "Here's a man doesn't live in a county—suddenly he's its judge. Well, I'd hate to stand trial in his court."

"Ya'all gettin' warm now," Bob teased, using as his frame of reference a game the Olive children had played years ago, where the closer to the answer, or to the object of a search, one became, the "warmer" they got until they discovered it. "You ever stand up in

Judge Wall's court and by God ya'all be burnin' up. I done been there and took my whuppin'," Bob laughed. Print only grunted.

To the west a few miles, they came upon two of the Olive line riders, lounging on the sunny side of a hill, their horses tied in some plum brush in a ravine at the bottom of the slope. One vaquero, hatless, lay at the crest, peering through an opening he had made in the thick buffalo grass at a settler's soddy in the valley below.

"What's new, Miguel?" Bob asked.

The Mexican smiled, shrugged his shoulders, and came down to the group to talk. "Notheeng new, Mista Bob. Senor Lowry sends out *de ninos* to chase the cattle from hees valley. But they graze back again to hees *estancia* where grass ees good." Miguel gave an expression of helplessness and smiled.

"What's going on here, Bob?" Print asked.

"It's a game—a trap," Bob said, "baited to catch a nester butcher-ing Olive beef.' We've kept a watch on this soddy of Monroe Lowry for a week now, two weeks."

"And you haven't caught anything yet?" Print simulated incredulity. He rode to the top of the rise in full view of the house, looked carefully, then returned. "Round up those steers and throw them in this bunch," he ordered. "I want them all back on our range tonight."

"Someone passed the word them Lowrys was taking our beef," Barney said, riding alongside Print. "But I found out old man Lowry's as honest as the day is long."

"No honest man will take Bob's bait," Print said. "If you cain't catch a mouse in two weeks, there may not be one in the house." That night they were back at the home ranch.

With their families comfortably situated in Plum Creek, Print set out to meet and cultivate the friendship of the settlers on the Muddy Creek range. That spring of 1878 there were estimated to be 60,000 head of cattle on the Custer County range.<sup>8</sup> Of these, more than 20,000 carried Olive Brothers brands. The winters had been moderate and open, the calf crops good.

Dan Haskell and Ed Hollway held 1,000 big steers in the Muddy Creek pasture, and Windsor and Coble also had several hundred head grazing along the creek. On the South Loup range, Anton

Abel, E.J. Boblits, now county judge, the Stuckeys, Childses, Herringtons, Finches, and others such as Durfee & Gasman, Henry Brothers, and Arnold & Ritchie ran medium to large-sized herds. The Parker Livestock Company, which J.J. Douglas managed, held 3,000 head in Sand Creek valley. The range was well-filled, rapidly becoming overstocked. "Overstocked even before we rode across it!" Ira Olive said gloomily.

In Plum Creek, the children that were old enough to attend had started to school. Print transferred his Odd Fellows Lodge card to Cozad, the nearest point where a lodge group had organized. It was a small settlement eleven miles upstream from Plum Creek.<sup>9</sup> There was a feeling of general contentment among the Olives. Only Bob and his wife remained discontented. After her first look at the treeless and windswept prairies of Nebraska, Bob's wife commenced yearning for the beautiful old Texas home. Her fine new frame home in Plum Creek was no consolation. It had been purchased from a former Virginia couple that had moved west. The Virginian's wife had taken one look at the new land and returned.

"She was a wise woman," Mink commented.

Their baby girl, named Virginia, was not strong and required much attention. All this, and the new duties of fatherhood, continued to worry Bob, and he found himself with considerable stomach trouble. His irremediable status as a fugitive from Texas justice forced Mink, a sensitive girl, to assume with him the alias of Stevens, which rankled her. Ira Olive's proud wife made life no easier, and even Louisa's kindly efforts to salve Mink's wounded pride met with no encouragement from the independent Bob and his touchy wife. These petty grievances and annoyances brought Bob more nervous tensions and his "dyspepsia," as he called it, became worse, causing him to suffer great pain at times. During one such spell, Bob was caught at the home of the settler C.R. Mathews on Victoria Creek.

Bob frequently stopped overnight at the settlement at New Helena. This night Bob and some of his men were moving a small band of horses down from the Dismal range. With Olive cattle overrunning garden plots and cornfields, the once pleasant relationship with the Victoria settlers had turned to a cool reception of Olive

cowboys when they came, though there had never been any open hostility between the honest settlers and the Olive men. For Print and Ira had generously paid many bills for garden produce and hay stacks overrun or eaten by their livestock. This night the day had been bitterly cold and Bob and his men came about dusk. Mathews was not warm in his welcome, but in western fashion he invited the men to stay overnight and eat at his cabins. The Olive men shared their victuals and an evening meal was enjoyed. Then all bunked down, some on the floor, some even sleeping at the neighbor homes. Bob stayed with Mathews.

In the middle of the night Bob awoke in pain and a cold sweat. He fought to outlast the pain without awakening the others but soon it was almost unbearable. He arose and sat by the stove. Shortly, he called Mathews, asking the settler if he had any kind of medicine in the house. Mathews had none, but he called the men, dispatched each of them to a neighbor's home and told them to bring whatever they could find. After a quarter of an hour the first, Pedro, returned. He had a small bottle of camphor. Bob gulped the fiery liquid down, praying for some relief from his pain. Another rider soon came in, with another bottle of camphor! Soon Pete Beeton came back, then Barney Armstrong, then Sam Carr—each hopefully bearing a bottle of camphor, the only medicine the settlers had in their meager medicine chests. After his riders had returned from the Forsythes, the Rosses, the Merchants, the Loughrans, and the others, all having only camphor to offer, Bob grew mad and cursed the cowboys and the settlers alike, finally hurling the camphor bottles at a saddle hanging on the wall, breaking most of them. No one had much rest that night, certainly not Bob Olive. And one settler, a bachelor with whom Pete Beeton bunked, said later that he never would get accustomed to sleeping with a man who left his boots and spurs on in bed!

At dawn Bob called the men and continued on to the home ranch on the South Loup. It had been, he told Print, "a helluva night."<sup>10</sup>



## Chapter XV

Through the spring and summer of 1878, Print made several trips to Cheyenne, Wyoming. It was his hope, through the Wyoming cowmen's association, to develop an organization in central Nebraska to cope with the organized activities of the rustlers, since there was already cooperation between the individuals of the Wyoming group and the western Nebraska cattlemen on roundup and other range work. The problems of the northern range being new to him, he hoped for better understanding through acquaintanceship with those of longer experience. On the Custer County range, Print had already become known as *the prime mover in the attempt to drive cattle thieves from the country*.<sup>1</sup> He had taken his plans and thoughts to Dennis Sheedy, an old friend, and had talked with Ben Morrison, Tom Sturgis, G.A. Searight, and others familiar with the operations of the Wyoming association, yet nothing had developed from his interest and efforts. Most of the ranches in Nebraska, west of Blue River, were already sending wagons to work with the Wyoming roundup and catching drift cattle coming down the Platte River valley. Given more time, something of value might have developed from Print's efforts. But time passed, and the events of each day pushed aside hope for a peaceful settlement of their range troubles, created by the few selfish settlers who endangered the good names of all honest settlers who were taking legitimate homestead claims on the vast cattle range.

On the night of August 17, 1878, the burning of the range from the Dismal River on the northwest to the Olive headquarters on the South Loup diverted their attention from the rustlers on Clear Creek. An immediate danger can wipe a future catastrophe from the mind, so many cattlemen moved their stock eastward to be on grass, forgetting the presence of rustlers. Only a black waste lay to the north, covered with the white ash of smoking cow chips. Some small

stockmen like Nc George and sheepmen like R.E. Glass crossed the Loup to the south range with their herds. Print was obliged to move many cattle to the Turner valley and east down the banks of Muddy Creek, putting his herds right in the backyard of the Clear Creek settlers. So passed the last opportunity to work out a peaceful solution.

The spring of 1878, Ira Olive brought 6,000 head of young cattle to replace the six trainloads of mature beef marketed the previous fall. Later, Print, Ira, and Bob each took a beef train to market. Bob continued on to Texas, though both Print and Ira frowned on the visit since Bob's name now graced the *Fugitive List of the Texas Rangers*.<sup>2</sup> This fall trip was Bob's first visit back home.

At their Texas home, Bob noticed how little two years changed his mother's appearance. Her face was still serene and composed, and she walked with her natural grace. Though she was reserved in her greeting, almost shy, Bob thought, he was not misled by her manner for he knew how deep her affection ran for her sons and daughters. The first night after his arrival home, Bob retired early because of a sick stomach. When she believed him asleep, his mother sought out his room. The moonlight streaming through the window touched upon her dark and lined but placid features as her hand passed lightly through Bob's dark locks, then rested coolly on his forehead, testing in her way for fever. Bob lay quiet, one eye a slit, watching her, scarcely breathing. He felt her hand leave his brow to rest, clasped before her, in the Indian sign of peace. Then he heard her intone the old Cherokee prayer:

O, Great Mystery draw near;  
Into the heart of my loved one  
Place courage unbounded.  
O, Great Mystery, come closer,  
Into this stout heart  
Plant thoughts of Peace.

Bob's face somehow felt cool and refreshed, and strangely enough his stomach sickness passed from him. He heard his mother's moccasined feet padding quietly from the room. He tried to turn his mind to thinking about his mother, to know her better as a

woman, as his mother, to understand how she could heal sickness with only her hands and her prayers. But he was too tired and his drowsiness came upon him and he was soon fast asleep. And never again would he have the opportunity to ponder about this distant woman who loved him and who had borne him.

Bob, his father, and Marion rode north from the Brushy Creek ranch to the Olive Pens on the prairie, east of Taylorsville. The new town was now a station on the International and Great Northern Railway that cut across Texas from Longview to Round Rock. The region was caught up in a network of barbed wire, and in the throes of a commercial boom. Bob was astounded at the number of wire gates that one must open to travel only a few miles across what had been virgin prairie. The land was now a patch of fields, garden plots and settlers' homes.

James Olive spoke feelingly to his sons of the old days. He pointed to the area northeast of the Olive Pens, pens which were now being destroyed by the termites and carried away by the settlers for firewood.

"The Stiles boys over yonder were once cowmen, too. Now they've turned their land upside down with the plow, just like the others," he said. "Cattle days are over here, boys."

"That's why I want to go north with you," Marion said quietly to Bob. Bob nodded silently.

The three men stopped at the railway before a small store. The place was called Stiles Siding. They drank deeply at the well, then watered their horses. "The longhorn is going like the buffalar did," Jim Olive remarked. "It's just as well for me and my kind, for I'm too old to ride for cattle any more." He leaned over to exercise his back before remounting.

Marion was happy that his father held this opinion. For it had brought his father to an agreement to let him take a trail herd north the following spring, a horse herd, too, and up the same Chisholm Trail all his brothers had ridden before him.<sup>3</sup>

When Bob left, he concealed from the family the inner feeling that he would never return to Texas again. He hoped to return in another year, he told them, to stand trial as Sam Carr had done the previous year, and win his freedom as Sam had done.

"Don't come back, Bob," his father warned him confidentially when they were apart from the family. "There's a new kind of man in our jury boxes now. He's an Old World peasant—suspicious, cruel, stingy—a mean sort from Germany and Poland. Our cattle days are over here anyway. Stay north among real cowmen."

Bob returned to Nebraska by train. At Kearney he found himself looking at a pen containing seventy head of Olive cattle. Bob looked the town over for Olive men but found none. No Olive men were in town, Dave Anderson, the Buffalo County sheriff, told him. Their suspicions aroused, Bob and the lawman traced the cattle transaction to a packinghouse buyer at the hotel. That unwary gentleman showed them a "release" from Olive Brothers, signed "Print Olive." Bob knew that Print never signed his name other than as "I.P. Olive." They studied the alleged bill of sale.

"Everyone's name is on this thing including Ketchum and Caple's," the sheriff admitted. Then he turned to Bob. "I've a job for you," he said. "Print's in Cheyenne on business, but before he left he asked me to prepare a warrant for Ketchum's arrest. I'll just deputize you, Bob Stevens, his foreman, to do the job for me."<sup>4</sup>

Bob chuckled at the prospect. "What's the matter, Cap, has Ketchum got you buffaloed, too?" The sheriff peered up at Bob from beneath his craggy eyebrows, then said seriously, "You might say yes and no, Mr. Stevens. But Ketchum does have too many gun-totin' brothers and others for me to be tempted up there. And you take my advice and have plenty of help when you go. Here, I'll swear you in."

After Bob was sworn in as deputy sheriff, Anderson said, "Deputize all the men you need. Just bring him in, dead or alive. Let him suit himself."

"I'll bring that goddammed thief back or I'll kill him," Bob muttered.

"Olive brothers can file charges once he's in my jail," the sheriff said, "but you watch out, he's made his brag that he can outgun you—and he's apt to try."

Back at the ranch Bob picked his posse, taking Barney Armstrong and Pete Beeton as deputies. Early the following day, Tuesday, November 26, 1878, the three men rode southeast to the ranch of

Major Ellison, staying there that night. The next morning they rode to the claim of Jim McIndeffer on Muddy Creek, persuading the gaunt settler to guide them to the Mitchell claim where Ketchum was expected to be found. Bob felt that the presence of McIndeffer, a neighbor, might keep the nervy Ketchum from attempting any gun play.

As they rode northeast from McIndeffer's claim to the Clear Creek valley, the air felt crisp and cold upon their cheeks, though the sun was shining brightly. Across the grass-covered hills they rode at a canter, the horse's hooves making little swishing sounds, their hooves muffled by the thick, matted buffalo grass that carpeted the plains. A skift of early snow had melted on the hillsides, but in the tall grass of the meadows it crunched beneath the horses' hooves. The hills were washed clean of the summer's dust, the grass now a dull russet brown in its winter garb. Over all hung a chilled-blue sky, with an occasional wisp of fleecy cloud wandering south-eastward across the heavens.

It was the sort of weather Bob Olive had learned to love in this fierce, wild, new country. The quick shift from summer's humid heat to the hard, biting cold of winter was tempered only by that brief period of "Squaw Summer," as the cowboys termed it. But in a few weeks it changed humans from sluggish drones to active bees in their activities. It was Nature's final warning of the heavy snows to fall, the biting winds of winter, the storms that humans and animals alike must endure until the lovely northern spring came again. In Bob it produced a sense of usefulness, a feeling of protectiveness over his family's cattle and properties, a sense of activity, to be here on the plains with his own posse of lawmen, himself a deputy sheriff preparing to apprehend a notorious thief. The project itself was fascinating to him, the knowledge that now, instead of being a wanted killer himself, he had become a respected lawman, stepping daintily back and forth across that narrow line that separated criminal from lawmaker.

He was anxious to come face to face with this man who had made his many brags, and he wondered how Ami Ketchum would react, if the foolish braggart would actually defy the law and get himself killed by this posse.

The guide led Bob's posse up a draw, below a small rise. McIndeffer then crawled on his belly to the hill crest and gazed over, hatless, at the scene below him on the far hillside. He reported to the others that Ketchum was in the ranch yard, snubbing a bull to the wagon. "Looks like Dowse's critter," the guide judged, wallowing a big chew around in his mouth. "Mrs. Mitchell's on the wagon seat, holdin' the team. Don't rightly know whether Luther's there or not."

Bob considered the best course of action. He didn't want the woman mixed up in the shooting, if there were to be any while Ketchum resisted. But if her husband were in the house and likely to appear soon, they had better make the arrest quickly, lest they have two men to fight instead of one.

"I better know if Ketchum is armed, first, and find out where Mitchell is," Bob told the possemen. "Pete, they don't know you. Ride down there and look around. Tell them you want your horse shod. If you can, get the drop on Ketchum—but be careful. We'll watch to see that Mitchell don't surprise you." Bob then told Beeton if he learned nothing to ride out the other side of the Mitchell yard and return screened by a low-lying ridge of hills to the west. They would wait for him.

Pete rode away but soon returned behind the hill ridge. He had offered to help tie the bull to the wagon, but Ketchum declined his help. Ketchum acted suspicious, he said. The blacksmith had a six-gun on his hip and a Winchester lashed on to the wagon.<sup>5</sup> Ketchum declined to shoe his horse, telling him to come back later. Mrs. Mitchell had gone to the house. He learned from Ketchum they were returning a bull to a neighbor, Mr. Dowse, Beeton said.

"Then let's get there before the woman gets back to the wagon again," Bob said, mounting his horse. The three deputies, Bob, Barney, and Pete rode toward the Mitchell yard. McIndeffer remained discreetly behind. As he drew near the wagon, Bob called out to Ketchum, "I have a warrant for your arrest!" Bob and the others had drawn their guns in preparation for a fight if it should happen.

Ketchum looked up from his position at the rear of the wagon, immediately pulled his revolver. Hearing Bob call to him, he aimed

and fired at Bob. Bob fired at almost the same time, the bullet breaking Ketchum's left arm.

"Throw up, I have a warrant for your arrest," Bob called again, but his words were now lost in the roar of gunfire as Beeton and Armstrong entered the fight. Ketchum fired until his revolver was empty, one of his bullets cutting a hole in Barney Armstrong's scarf, knotted around his throat. Another bullet slit the brim of Beeton's hat, letting it dangle down at a crazy angle around his swarthy face. Still another bullet passed through Barney's boot, making a painful foot wound.

The sound of gunfire in the yard soon brought Luther Mitchell out of the house, a Winchester in his hands. Bob saw him as he was taking aim and shouted, "My God old man, don't shoot!" But it was too late. Mitchell, a former Union soldier, took quick aim and sent a bullet into Bob Olive's side. Barney seized Bob's reins and quickly led his horse from the yard at a trot, Beeton lashing the horse across the rump with his quirt.

"Boys, I'm done for," Bob Olive gasped as he bent over in the saddle, blood pouring from his mouth onto the horse's withers. Ketchum, the Winchester rifle from the wagon now in his hands, continued firing, but without effect, until the posse passed out of sight behind the hill to the south. Mitchell stood with his rifle at the ready and watched them as they rode out of danger.

When over the hill, the possemen held a hasty council. The guide told them of a settler, Frank E. Harrington, who lived down the creek a short ways. They managed to get Bob there alive, where he made his last will and testament, Harrington writing down his wishes. While McIndeffer stayed with the wounded man, Barney set out for Plum Creek, Pete to the South Loup headquarters ranch.

Mink arrived early the next day with a doctor, then Print came soon afterward, just returning from a business trip to Cheyenne. Bob was now drowning in his own blood. He lingered on through the night of November 30, suffering terribly. The next morning he appeared better, the pain having lessened. But Bob knew he was finished, and he called Print.

"Tell mother I heard her prayer—but it was no use," he whispered. He took Print's hand and held it. Then he turned to

Mink and with a great effort put his arm around her shoulder as she bent over him. "That's all, Mink honey," he said, "take care of our baby." Print kneeled at the bedside, knowing the end was near, and took Bob's hand in his own. Bob turned his head to Print, said gently, "I only wanted to be like you, Print." Then Bob Olive was gone.

Mink sobbed softly over the still, white face of her husband, kissing it again and again through her tears. Print tried vainly to pull her away, then stood up, his fists clenched at his side.

"So help me, Bob, I'll hang the sons-of-bitches that hurt you if it's the last thing I ever do in this world!" Print's eyes were a mist of tears and his ears were closed in despair to Mink's sudden entreaties.

"Oh, God, no Print!" she plead. "There's been too much death and killing in our family now—let it end—let Bob's death end it forever!"

Print did not hear her. He walked outside, stood watching the morning star so bright in the heavens above. He would avenge Bob, he told himself, just as he avenged Jay. With the dawn he sent Mink back to Plum Creek to pack and take the train to Texas. Then he hired the settler, Harrington, to deliver Bob's body to the Kearney funeral parlor for embalming. He rode along behind the wagon with several of his men. From Kearney, Bob's body was returned to Texas.

In the old Lawrence Chapel Cemetery, under the stately oak trees, Bob was laid to rest beside his brother Jay, their two restless spirits finding repose underneath the limestone markers upon which were carved the Handclasp of Brotherhood. On Bob's marker, his mother had the stonemason carve this inscription:

FAREWELL  
Robert A. Olive  
Son of  
James and Julia Olive  
Born January 9, 1855  
And Departed This Life On  
November 28, 1878



"Death Wings Triumphant O'er Mankind,  
Hope Cheers The Soul, Eternal Bliss To Find."

Julia Olive had once cautioned her sons when they had made dark talk of retaliation and mass destruction to be inflicted on the Yegua thieves:

"Shoot one accidental arrow into the breast of an enemy and his friends will send back a thousand lances upon your heads. Try to think thoughts of peace, boys."

Now it seemed that way, thought Print. But how could he draw back from his duty of brotherhood? Far better that there be a third handclasp carved on his own grave than that this loved brother's death go unavenged. And like a beautiful but haunting melody he would prefer to hear no more, Bob's final tribute of love and devotion and his desire to emulate his older brother ran endlessly through Print's mind—"I only wanted to be like you, Print—I only wanted to be like you—I only wanted to be like you, Print—I only wanted to be like you—I only wanted. . ."

As the procession of mourners passed back through the cemetery gate, from afar in the brush, south of the chapel, came a song from the vaqueros moving cattle:

Gracias te da-mos, oh buen Dios  
Por que po-de-mos hoy can-tar,  
Por que po-de-mus tra-ba-jar  
Por que te-ne-mos luz y a-mor.\*

Julia Olive walked straight ahead and dry-eyed up the path to her home. Coming alongside her bereaved daughter-in-law, she placed her arm around Mink's shoulders. Behind them, James Olive paused to straighten the fresh earth on the grave of his old friend Ad Lawrence, after which he closed the wooden gate of the cemetery and carefully secured it with the wire loop. Then he followed along behind the procession, lost in the tomb of his own reverie.



## PART IV

Only in dreams is a ladder thrown  
    From the weary earth to the sapphire walls;  
But the dream departs, and the vision falls,  
    And the sleeper awakes on his pillow of stone.

Josiah Gilbert Holland



## Chapter XVI

Before Bob Olive's body was embalmed at Kearney, Print had offered a \$700 reward for the murderers, swearing out another warrant and adding Luther Mitchell's name to it along with that of Ami, or "Whit," Ketchum. Immediately after the murder, the two settlers loaded the Mitchell family on a wagon and fled eastward to Loup City. There, they stopped at the home of their friend Judge Aaron Wall and sought his protection and legal guidance.

In his position of county judge it was within his province to call a score of men to arms to protect his prisoners, or clients, whichever he chose to call them, and thereby uphold the dignity of the law he was sworn to sustain in his county. But for the first time it must have dawned upon Judge Wall that his defense of the cow thieves, now guilty of murder, might cause himself great embarrassment. He searched his fertile brain for a solution and reached probably the worst decision a judge could make from the material in his hands. He decided to hide the murderers.

Under the pretense or illusion that he was "protecting" Mitchell and Ketchum from the Olive men who also sought them, Wall searched for a refuge for them. Wall had a younger brother, John Wall, an estimable young man, who was at the time teaching school and rooming at the home of Reverend John R. Baker, about ten miles east of Loup City on Oak Creek. There he sent them.<sup>1</sup>

At the Olive headquarters, Dennis Gartrell and other Olive men made up a posse and commenced a search for the murderers of Bob Olive. They rode straight to the Mitchell homestead on Clear Creek but found that no one had remained after the shooting. The walls of the soddy, within, were hung like an arsenal with shotguns, pistols, and knives and the angry Olive men burned the roof, the only flammable part of the shanty. Riding on to Loup City, they searched Judge Wall's home for the criminals, but the judge had by

this time concealed the pair. Two days passed, with lawmen and the Olive men searching the country. Then sheriff Farmer W. Crew of Howard County and sheriff William Letcher of Merrick County apprehended the two settlers at the Baker farm on Oak Creek, arrested them, and took them back to St. Paul, the County seat of Howard County.

At St. Paul, Thomas Darnell, a local attorney, was engaged to represent them. Ketchum's badly wounded arm was dressed professionally by Dr. Barnes and placed in a black sateen sling. Darnell called upon E.C. Calkins, a Kearney attorney, to assist him; and Calkins recommended that Mitchell and Ketchum be held in the Kearney jail, since sentiment over the cattle country was running so strongly against the murderers that he was afraid they would be lynched.

Before long a dispute arose among the lawmen about the reward money and who should share in it, Crew and Letcher contending they should split it, yet others, such as Barney Gillan of Keith County, who held the warrant issued by Print Olive, asking a share. Print refused to pay anyone until the prisoners were returned to the county where the murder had been committed. The lawmen finally agreed among themselves that Barney Gillan,<sup>2</sup> Keith County sheriff, would return the prisoners to Custer County, accept the reward, and then share it. That night, en route to Kearney, Gillan stopped at Print's home in Plum Creek. Both men were Texans and had been acquainted for several years. They discussed the capture of the rustlers. Print's bitter hatred for cow thieves coupled with Bob's murder by the pair of them had convinced him that Mitchell and Ketchum deserved hanging. Feeding the fires of his passion was their treatment of him when they had to face him upon their arrival at Kearney jail. Because of his own grief at the loss of a beloved younger brother, Print had somehow expected the two settlers to show some remorse and contrition for their ugly act. But Ketchum still only made a show of bravado while the older man looked silently down his blue-veined nose. Each showed only his meanness; neither could look Print in the eyes.

At Print's talk of bringing them to trial, finding a verdict of guilty, and getting them hung, Gillan only scoffed.

"Those bastahds will never hang, Print," he said. "They'll get a change of venue, take them away wheah theah scarc'ly known and a soft-headed jury free them. Feelin's diff'rent than up in this cow country. Heah cowmen run it. Theah the settlers are on top—an' theah all blue belly Yanks, ready to excuse anyone fo' stealin' a Texas man's beef. Believe me, I know politics. I found those things out when I was a' runnin' fo' sheriff up in Keith—would never have made it without the cowmen. This county's filled with cowmen, Print. But the rest of the country is gettin' filled with Black Republicans. You think they'll convict one of them nigger lovin' murderers? Not a chance in your life!"

Gillan departed the following morning, leaving Print's head filled with doubt. On Monday, December 9, Gillan moved the prisoners from the Kearney jail and put them on a westbound emigrant train. Gillan was to accompany them to Plum Creek, where they would go overland to Custer County. Gillan asked Phil DuFran,<sup>2</sup> the Custer County deputy who ranched on Cottonwood Creek, to accompany him with the prisoners. They were to be taken to the ranch home of Milo Young on the South Loup, where the log home served as the post office and new county courthouse. The location was called Custer. With the prisoners manacled together, Ketchum's right wrist being handcuffed to Mitchell's left wrist, they went aboard the train. Ketchum's broken left arm was carried in the black sling.

The train reached Elm Creek at three o'clock in the afternoon. The conductor came through the train and handed Gillan a telegram from Darnell, the prisoner's attorney at Kearney, requesting that the prisoners be detained at Plum Creek, not taken to the Young Ranch at Custer. Another attorney, C.W. McNamar, who lived at Plum Creek, boarded the train and told the sheriff and his deputy that he had been retained by Darnell to see that the prisoners were treated fairly. He asked what disposition was being made of them.

"We're takin' them to Custer by the shortest and fastest route," Phil DuFran told him. "As far as that telegram is concerned, you can tell Darnell that as Custer County deputy he has my word they'll be delivered to a Custer County court." McNamar was still not

satisfied with the arrangement, but there was nothing he could do about it.

"If Darnell is so cussed worried, why didn't he board this train and come along?" Gillan asked. McNamar seemed somewhat reassured.

When the train pulled into Plum Creek, Print and some of his men were at the station. Now he came into the car and asked, "What's the delay?"

"No delay," answered Gillan. "You got a rig these men can ride in?" Print offered the use of either of two teams and wagons that stood at the station. Gillan selected instead a light rig from the E.O. Carpenter Stables that had driven up. The prisoners were loaded on the front seat, the two officers sat behind them on a second seat of the spring wagon. They started up the road north to the Loup river. One of the Olive wagons which was going back to the ranch set out behind them.

Ten miles north of Plum Creek, both wagons stopped to water the teams at the McLean homestead. The attorney, McNamar, who had followed in a buggy, now rode up alongside to see if the prisoners were all right. Mitchell, sullen and morose, wore a scraggly black beard, filled with gray whiskers. He was wrapped in a heavy wool overcoat which he had taken from the soddy of a neighbor, Johnny Bryan, while the neighbor was away from home. Ketchum, a husky and determined-looking young man, was not so fortunate. He sat alongside in a light jacket, shivering, though with the appearance of great strength and vitality. Mitchell was bowed, as with fatigue. Both men had their collars turned up against the cold north wind. A heavy horsehide lap-robe covered their legs and feet.

After visiting briefly with the prisoners, McNamar watered his own team. As they left the homestead, he tried to keep the other wagons in sight but finally, in the dusk, lost sight of them. Later, three horsemen going north passed near him. Fearing outlaws or Indians, McNamar kept still, not knowing who they were. The spring wagon bearing the lawmen and the two prisoners stopped for the night at the ranch of Dick James, sheriff of Dawson County, for the weather had turned bitterly cold. The Olive men continued on to their ranch on the South Loup.



When the wagons left Plum Creek that afternoon, Print walked to the post office and picked up his mail from the train. After sorting through it at the saloon of Bill Green, he bought a drink. Jack Baldwin, the hotel keeper, was visiting over the bar with Green, discussing the murder of Bob Olive in a voice loud enough for the coterie of barflies in the saloon to hear.

"Return those prisoners to Custer, hell!" Green exclaimed, to the agreeable Baldwin. "They don't need a jury trial. What they both need is a twist of rawhide around their necks! Whoever heard of a trial for cowthieves and murderers?"

"Them's my sentiments," Baldwin agreed. Print stood at Baldwin's right and listened as the hotel keeper told of the various cattle thieves in the country, mentioning Caple and Ketchum by name, and reviewing their various escapades. Baldwin was fastidious in his dress, wearing a Prince Albert cutaway coat and a black derby hat. He was manicured and well-groomed, and Print was never able to understand why the alcoholic Baldwin so repelled him. Here he stood, a man who couldn't take a small shot of red whiskey without spending a week to a month on a bender, sipping away on a tall glass as tho he had perfect control of his habit. Print knew that too many horses came from the hotel corral, came and went, and he had always suspected the hotel man with playing a role with the rustlers, Doc Middleton, and others.

A local barber pushed his way down the bar, his sharp nose ferreting out trouble and excitement. "If the posse had caught that pair before they got away, they'd a' been shot or hung without fear or favor. Now all you hear is 'how can we protect these dear prisoners?' I, for one, am in favor of lettin' 'em kick a little prairie air!" he offered.

There was instant agreement from the mob at the bar. Print listened as he sipped his drink, then ordered a pint of whiskey from Green and prepared to leave.

"You ridin' north by any chance?" Green asked.

"I'm going up to the ranch, yes," Print answered.

Green slipped off his bar apron, beckoned his assistant to take over. "I'm ridin' north with Mr. Olive—be back tomorrow," he said. He pulled on a heavy horsehide coat. "No objection if I ride

along?" he asked. "I'd like to see your place." It was the first time the bartender had ever expressed any desire to see the Olive ranch.

"It's a free country," Print said without warmth.

As they walked from the saloon, Baldwin came trotting up behind. "Thought I'd come along," he chirped. "Like to see how the winter range is along the Loup, don't-cha-know?"

"You'd better bring your own bottle," Print advised. Green spoke to Baldwin, and Baldwin returned to the saloon, reappearing with a gallon jug of whiskey.

"Might get a little droughty in them hills," Green laughed.

At the stable where Print kept his saddlehorses, they saddled three of them and headed north, after Print had told Louisa goodbye. Fifteen miles north, they passed McNamar's buggy in the dark. At the turn-off road to the Dick James ranch, Phil DuFran met them at the roadside. He asked Print if he had the reward money along.

"You'll get the reward money when you and Gillan turn the prisoners over to me at the ranch," Print said. "Judge Boblits will be at Custer in the morning to give them a preliminary hearing."

DuFran now attempted to bargain for a larger sum than the seven hundred dollars Print had offered for the prisoners. Print was disgusted at the avaricious Frenchman. But he made an agreement to meet them at the fork in the road where the left wagon road cut away to the Cottonwood Ranch, the other going on to the Olive headquarters. "That way I won't have to backtrack," Du Fran said. When Print and the townsmen arrived at the ranch in the night, Judge Boblits was there asleep. Boblits decided to hold the hearing there, Nigger Jim told Print, rather than to go on to Custer.

Early that morning, Print, the two townsmen, and his men rode toward the river ford to meet the wagon with the prisoners. Dennis Gartrell, Bion Brown, Pete Beeton, Pedro Dominicus, Barney Armstrong, and Nigger Jim Kelly rode along. Both Green and Baldwin were still drunk from the previous night and Green carried the half-empty jug of whiskey lashed to his saddlehorn with a thong. Gartrell and Brown had both been drinking heavily, but the others were sober, though having sampled the jug before breakfast at the ranch.

At the river ford they ran across a band of strayed horses, and

Print sent Barney Armstrong and Nigger Jim back with them to the ranch, directing Jim to stay at the ranch and prepare breakfast for Judge Boblits. The party of horsemen then continued up through a long ravine to a point where they ascended the high hill range that paralleled the river on the south. Crossing the hills, they descended through a series of small canyons and ravines to the floor where the old wagon road headed south to join the main road, south of the hill range. There they emerged from the hills to their rendezvous point where Gillan and DuFran were to meet them with the prisoners near the Devil's Gap. The men stopped and dismounted and built a small grass and chip fire. Green unleashed the jug from the saddlehorn, and as they sat around the fire they passed the jug around, all taking a drink. Within half an hour the wagon appeared. Gillan and DuFran stepped down and took a drink from the jug.

"You want to pass the prisoners on to us," Print asked, "or do you want to haul them on across the hills?" Their agreement of the previous night had been that they would turn the two settlers over to Print when the reward money was paid, and he would take them on to the ranch at Custer for trial, DuFran and Gillan proceeding on to the Cottonwood Ranch of DuFran before returning to the railroad.

"You have the money on you?" the practical Barney Gillan asked. Print pulled the leather wallet from his pocket, walked down the road with Gillan and DuFran. He withdrew fourteen fifty-dollar bills, handing the money to the Kieth County sheriff. When the money was paid, Print returned to the group at the fire, and Gillan and DuFran made their division of the reward money.

Print picked up the jug of whiskey and now offered the prisoners a drink. Mitchell only shook his head in refusal, but Ketchum snarled defiantly, "Take your damned liquor and keep it!" Gartrell stepped over and raised his quirt to strike the prisoner, but Print intervened. Print then stepped up on the doubletrees of the wagon, attempting to question the prisoners.

"Why did you shoot my brother Bob?" he asked Ketchum.

Ketchum set his lips in a grim pout, unresponding. Print then turned to Mitchell and asked the same question. Mitchell never looked up, just shrugged his shoulders, making no reply. The

attitude of the prisoners angered Print. He turned again to Ketchum.

"Do you damned rustlers want to talk to me or do you want your necks stretched?" he asked, looking first at one, then the other. There was no answer, both men sitting with downcast eyes. It was one of those moments of tragic decision that come to some men. Deeply wounded by his brother Bob's death, Print sought a reason for the shooting that had occurred at the Mitchell home, an explanation that he thought Barney Armstrong or Pete Beeton had missed, or failed to tell him. A word of defense on the part of either of the prisoners, an expression of guilt, certainly a confession and words of contrition and sympathy would have been received by Prentice Olive with good effect. For he was a man with human emotions and one who, on many occasions, had shown deep sympathy and feeling for any person playing the role of underdog. But whether because of their attorneys' warning to say nothing outside an established court, or because of their guilt, or because of natural meanness and joy at having slain one of the cattlemen, and an important one, the brother of this man before them on the wagon tongue, neither Mitchell nor Ketchum spoke a word in their defense or attempted to justify their murder of Bob Olive. Print stood, indecisive for the moment. Then he stepped up on the wagon, spoke to Gartrell, who stood on the ground holding the lines of the team.

"Get on the wagon, Dennis, and drive up the canyon a ways."

To this moment, Print had made no plan for lynching the two prisoners. Nor did he yet contemplate it. But their silence at his questions now tried his patience, and by their refusal to defend their actions at the time of Bob's death, they placed their lives in jeopardy. Print was expecting them to argue with him, to beg for their lives, to fight back, anything but the stoical silence they elected to maintain, probably through the earnest advice of their lawyer, possibly because of their own feeling of guilt and meanness. And the insult Ketchum had dealt him in pointblank refusal to share a drink on a cold morning was rankling him deeply, for on the frontier only a public cursing of one man by another was considered a greater indignity. Had they argued, cursed him, fought back, he might have beaten them. But in the end he would have presented them in Judge

Boblits' court. But the moment for such a wise decision passed. Gartrell had pulled the wagon directly under a small elm tree, just able to hold up the prisoners' bodies on a low limb. Print now stepped from the wagon on to White Flanks' back and tossed Pedro his lariat. The Mexican fashioned a quick loop around Mitchell's neck. Meanwhile, Gartrell was wrestling the burly Ketchum to get the rope down over his chin. Finally Gartrell sawed the hard-twist rope savagely across Ketchum's lips until the blood ran.

"God damn you, I got you where I want you now," the big wrangler snarled, tossing the other end over the limb.

With the two prisoners standing with loops over their heads, Print again spoke to Mitchell.

"Mitchell, why did you kill my brother?" The elderly settler made no answer, despite the fear in his eyes.

"I want an answer, and I want it now," Print said angrily. Mitchell remained silent. Print levered a cartridge into his Winchester rifle.

"So you don't want to talk? All right, I'll shoot you just as you shot Bob." Print held the rifle close to the left side of Mitchell and pulled the trigger. The big 45-70 slug knocked Mitchell backwards, out of the wagon, as far as the handcuff and the rope would permit him to fall. Ketchum, stretched helplessly between the handcuff and the rope around his neck, now gesticulated wildly with his wounded arm, like a raven flapping an injured wing. The men pulled Mitchell's body up and snubbed the rope off on a tree.

"I'm through visiting," Print said. "Swing him." He indicated Ketchum was to be hung, not shot, pointing with the Winchester. The cowboys pulled the body up, tied the rope, and Gartrell drove the wagon out from under the pair. Their feet barely cleared the frozen ground as Ami Ketchum danced his little death jig. Bill Green offered the jug to the men but Print ordered him to put it away, and the lynching party departed from the scene. Back near the river crossing they met Barney Armstrong, riding to rejoin the group after returning the horses to the ranch.

"Where're the prisoners?" he asked.

"Hung 'em," Bion Brown answered, indicating a loop around his neck with his finger. Barney whistled.

Back at the Olive ranch again, the cowboys ate dinner. No reference was made to the lynching. One of the men told Judge Boblits that the prisoners had escaped near Plum Creek. But Boblits knew differently, since Nigger Jim had learned from the others and told him as soon as the lynching party returned. The judge waited until the others had cleared the mess room, then he sat down at the table facing Print.

"Print," he asked quietly, "why didn't you bring the prisoners to my court?"

Print was now fully aware of his hasty action, grieved at the bold decision he had made, sorry for the families of the two rustlers, but absolutely assured he had done the right thing in avenging brother Bob's death. "Judge, those basta'ds murdered my brother. What could you do legally any better than has been done to correct that?"

"They certainly deserved hanging," Boblits agreed, "but you took the law into your own hands. Any jury would have found them guilty. We have law enforcement officers here now—"

"You mean like that goddamned DuFran? Or Barney Gillan? Why, you can buy men like them as you buy broken down wagon bulls," Print said scornfully. "And remember this, Bob was an officer, too, when they killed him!"

Judge Boblits tried to reason with the distraught man, but without success. Finally, he arose.

"I'm sorry, Print. But you've put yourself in a difficult position. I know you tried to make us understand the dangers that could arise from this cattle thieving. And we all wanted to stop rustling in this country—but this was the wrong way."

"You wait and see," Print defended his actions, "there'll be no more rustling in this country while I'm here to stop it. What we've done will cause the basta'ds who've been cow stealin' to leave for other ranges."

The judge rose from the table, shook his head, and departed. He had always liked Print Olive, still did. But he felt betrayed by Print's hasty action against the Clear Creek thieves, though secretly he did not blame him for avenging his brother's murder.

Green and Baldwin had become obnoxiously drunk and quarrelsome. Fresh horses from the band Barney had returned to the ranch

were saddled for them and they were started on their way back to town, the jug now tied to the saddle-tree of Baldwin's outfit. The cowboys were glad to be rid of them. The townsmen followed the same route they had taken when coming out to the ranch, the trail that led back through the Devil's Gap. As they passed by the hanging tree, Baldwin rode off the wagon road and inspected the settler's bodies, hanging stiffly from the limb. He drew forth the jug, took a swig, and gave Green a drink. Then he said drunkenly, "Le'sh give that big blacksmiff a mouthful of whiskey—big som'bitsch too proud to drink when he was offer'd drink." He rode over to Ketchum's still form, dangling from the limb, poured the fiery liquid over the white face and broad shoulders of the dead man.<sup>4</sup>

"Pour it in his mouth!" Green cried, seeing the whiskey splash over the dead man. "He's got it wide open, just beggin' for a drink!"

"Here's one f'r ol' man Mishell," Baldwin said, then slopped the remainder of the contents over the bearded face of Luther Mitchell, the whiskey running deep into the wool pile of the stolen overcoat Mitchell wore.

As the two drunken townsmen rolled a cigarette each, Green carelessly flipped his lighted match into the staring face of the dead Mitchell. Instantly a tiny blue flame arose from the whiskers of the corpse, soon spread to the alcohol-drenched wool overcoat. Soon, over the whole of Mitchell's head and shoulders burned the blue flame of the alcohol, at once turning into yellow and red flames as the cloth caught fire in the coat.

"I swear, ol' man's comin to life," Baldwin exclaimed, jubilantly draining the final drops from the jug and throwing it into the nearby brush.

The blaze rose higher, settling into a hot, yellow fire that crept down below the dead man's waist and burned fiercely upward around his head and shoulders. Soon the flames licked at the right arm of Ketchum, manacled to the left arm of Mitchell. Mitchell's big overcoat was now a solid mass of flames. As the heat became more intense, the drunken men were forced to withdraw, their horses dancing nervously at the fiery spectacle before them. Now the body fats of the corpses caught fire, and the flesh began to bubble up, to

hiss and steam. The odor of roasting flesh drove Baldwin from his horse with sickness, and he leaned against his trembling mount, vomiting over the horse's shoulder and forequarters. Green, sobered by the events, led his horse away from the fire and tied it to a tree, taking the oilskin slicker from behind his saddle. The grass below the burning bodies had caught fire, and Green now beat out the spreading flames with some difficulty. As he labored to halt the grass-fire, the rope suspending Mitchell's form from the limb burned through at Mitchell's throat. The heavy corpse dropped on to the frozen ground with a dull thump, the force of the fall splitting the stomach walls, letting the steaming intestines roll out in awesome transfiguration upon the frozen earth. Only Mitchell's manacled left arm now remained upright, attached as it was to the right arm of his dead companion, Mitchell's index finger pointing accusingly at the inert form of the younger man as though singling him out in the firelight as the guilty one who had brought this catastrophe upon them.

Ketchum's body, with less alcohol-drenched clothing upon it to feed the flames, fared somewhat better than that of his confederate. Soon, however, only two blackened ruins remained of what had a few hours before been living men.

The gruesome turn of events of the past twenty minutes had sobered Green. He was now appalled at the monstrous mutilation their drunken acts had inflicted upon the two bodies. Beating out the last sparks in the dry grass, Green called upon Baldwin to get hold of himself and straddle his horse. Then they hurriedly departed from the grisly scene.

At the rear of Baldwin's Hotel, late that night, Green helped Baldwin from his horse and up the stairway to his rooms. He cautioned Baldwin to remain silent about their activities of the night. "If Print Olive learns who burned them rustlers, he'll hang the two of us." The hotelman in his alcoholic torpor would never again recall his presence at the burning of the bodies. So Green kept his secret alone, returning the saddlehorses to the barn and carefully washing away evidence of the drunken orgy.

But the act of pyromania on the part of the two drunken townsmen was forever linked to the name of I.P. Olive, the man who



ordered the hanging of the rustlers. It was a harsh retribution for taking the law into his own hands, a distressing and unshakable cross which he would carry for the balance of his days.

\* \* \* \* \*

So cordial had been their relations, it grieved Judge Boblits when he left Print at the ranch, dispirited and angry. The judge rode at once in his buckboard to the ranch of Anton Abel, a neighbor, telling Abel of the wanton tragedy that had visited their community and initiating a search for the bodies of the luckless settlers. Changing the buckboard for a pair of saddle horses, they saddled up and rode to the hills south of the river, along the Abel road. Across the hills they met McNamara, the Plum Creek lawyer, in his rig. At the roadside beside him was Al Wise, another rancher, Louis Wamsgan, and George Sanford, neighbors, all astride horses. The group sat and talked by the roadside, comparing notes on the lynching.

Shortly after Judge Boblits had left the Olive ranch, McNamara told them, he had arrived and talked with Print. He found Print most uncommunicative and moody. For the past hour, the lawyer said he had been searching for the bodies, knowing they must be nearby. The party of six men now commenced a systematic search of the canyons and ravines. On the old wagon trail, where it turned north through the hills toward the Loup Ford between the Olive ranch and Custer, the odor of burned flesh led them to the gruesome scene. The two bodies were at the west side of the road, Mitchell's corpse on the ground, Ketchum's still hanging on the limb by the neck. Both bodies were burned almost beyond recognition.

Sanford stepped down from the saddle, sifted the ashes from beneath Ketchum's body through his fingers, trying to determine if the men had been deliberately burned on a wood fire.

"These are not wood ashes," he concluded, showing the wide pattern around the bodies where the grass fire had been beaten out. "This is just ash debris from the clothing, but someone was certainly here at the time the fire was burning."

"It's them damned Johnny Rebs, them Olives," Louis Wamsgan said darkly. He was a Union veteran and knew Luther Mitchell to have been one. "They're like Injuns—burning men at the stake! I'd like to lay my hands on them—"

"No, Louis," spoke up Anton Abel. "I doubt not the Olive boys hung these coyotes—but Print Olive is a good man and he would never have burned the bodies."

"I agree," Print's nearest neighbor, Al Wise, said. "Print hung them for killing Bob. I sorta figured he would if he ever laid hands on them. But he wouldn't let anyone burn the bodies." He turned to Judge Boblits. "Judge, you've known the Olives quite well. What do you think?"

Most of the cattlemen as well as settlers liked Judge Boblits, respected his views, and as a consequence had made him their judge in the new county. Now Boblits pushed back his gray Stetson, spoke deliberately about the lynching, and gave his judgment on the crime.

"Yes, we can see plainly that Print Olive and his men passed sentence on Bob's murderers—and executed them. But we must keep in mind that we now have laws and officers to enforce them. No man should arrogate to himself the power to set up his own court here in Custer. The men who hung these scoundrels will have to answer for the deed." He paused in his comment, then said slowly, half to himself, "But I don't believe Print Olive or Ira Olive had a thing to do with burning these bodies."

"Ira was in Texas, at Bob's funeral," McNamar the lawyer said.

"Oh, I didn't know," Judge Boblits added.

The cowmen looked soberly at Judge Boblits, then Al Wise commented again. "Taking Print Olive prisoner will be a job, judge. I, for one, wouldn't relish it. And I doubt any county officer will like the job any better."

"Some of them Olive men are pretty tough hombres," Louis Wamsgan said.

"Oh, fiddlesticks," Boblits commented. "I could hand Print Olive a warrant myself without incurring his anger."

"One thing is certain," George Sanford put in, "Print did what any of us or any good man would have done—he avenged the foul murder of his brother. We must remember, too, that Bob Stevens—or Olive—was acting as a peace officer at the time."

"Yes, he's stopped the rustling on this range for all time to come," Al Wise said. All nodded agreement except the Plum Creek lawyer.

"This is a crime against humanity and against our laws,"

McNamar said fiercely. "Besides, Bob Stevens—or Olive—call him what you will—was a Buffalo county deputy—not yours."

"These cow thieves killed Print's brother," Abel replied testily to McNamar, "and whether you like it or not, Print's set the scales even again."

The discussion that occurred around the burned bodies of the settlers this day was an earnest of the discussions and arguments that would soon follow over the state of Nebraska and the entire Great Plains country in the days to come. Cattlemen would generally take a position for Prentice Olive and his men, the settlers opposing him. The two rustlers would soon be described as "innocent settlers" to those overlooking the facts. To the east, in the Clear Creek valley, the Olive "gang" would be branded outlaws and scoundrels while westward the cowmen would rise in defense of their fellow cattleman who had firmly established his name as being "the prime mover in the attempt to drive the cattle thieves from the country."

The lynching and the discovery of the mutilated bodies by the other cowmen did not help Print's cause. But worse was to follow. Delegating the gruesome task of burial to an indolent ranch hand, Print further alienated community opinion. The young cowboy who undertook to bury the bodies had no heart for the task.\* The ground was frozen flint hard, so no grave was dug. Instead, he found an eroded clay bank about a hundred yards from the hanging tree where the summer storms had washed out a stream bed. Hitching a team to the still manacled bodies, he dragged them to the burial place, arranged the corpses lengthwise under the clay bank, then caved the frozen earth over them. It was such a burial as might have been accorded a dead horse, with one of Mitchell's arms protruding so far out of the shallow grave that coyotes in the ensuing days gnawed the burned flesh from the shoulder.

The following Monday, a coroner's inquest was held.\* The careless burial was offensive to all the cowmen present. In a day or two the bodies were removed by a group of men, some from Sherman County, such as Lewis Bechtold, John Swain, and Ben Snyder, who knew the dead men but had never sympathized with their theft of "slow elk" in the Clear Creek area. The corpses were braced up against wooden planks on a wagon and taken to the railroad where

they were sent to Kearney to an undertaking establishment. While the bodies were behind the undertaker's place, H.M. Hatch, a Kearney photographer, made a picture, a most gruesome photograph, as it turned out to be, which he printed and sold by the hundreds.

The bodies were then put into coffins and shipped back to Merrick County for burial.

In Lincoln, Nebraska, by January 30, 1879, one of the photographs fell into the hands of the editor of the *Nebraska State Journal*, who wrote of it:

We have before us a view of the remains of Mitchell and Ketchum, burned in Custer County December 13, 1878.

\*\*\* The photograph is sickening to look at and shows the two men lying upon planks. One of the bodies presents a shocking sight, both arms having been burned off and the body, from the arms to the lower part of the stomach, badly burned and the entrails protruding.

The other body does not seem to be so badly burned, though the clothes in places are gone, but the boots upon the feet remain intact. It is a sad picture to look upon.

## Chapter XVII

William H. Gaslin, Jr., was born in Maine, July 29, 1827. Though from a staunchly Republican state, and a supporter of the party of Abraham Lincoln, Gaslin had failed, for some reason, to hear the call for volunteers when the Great Emancipator asked help to crush the slave power that rebelled. At the close of the conflict, Gaslin left Maine and came west, a trained lawyer, searching for professional prospects. By 1875 he had been elected to the judgeship of the 5th Judicial District in Nebraska.

The judge was a man of towering ambitions, and his ambitions extended deeply into Nebraska politics. He was a member of the Republican Party and had won for himself the backing and approval of the powerful Eaton family of Kearney, newspaper publishers. The first time he gave serious attention to the Mitchell-Ketchum tragedy that had been enacted on the Loup was in December, 1878. On this winter morning as he munched breakfast aboard a westbound Union Pacific passenger train, political opportunity suddenly knocked at the judge's door. It was in the form of a telegram from the Eatons, suggesting that he read an editorial in that day's issue of their Kearney newspaper. So carefully unfolding the paper and turning to its editorial page, the judge studied the thoughts of its publisher. What he read caused him to let his breakfast eggs lie cold upon his plate.

The editorial denounced the incumbent governor, Albinus Nance, for his failure to take action in bringing about the arrest and trial of the "Olive gang" for the lynching of the two Custer County homesteaders. Gaslin read the editorial through twice, first for its general content, second to determine its political significance. Then he settled back to his cold meal.

There was no mistaking the political import of the Eaton editorial. It was the call of a leading newspaper for its Man-in-Waiting to step

forward and aspire to the governorship of the state of Nebraska. Judge Gaslin solemnly placed the clipping inside his wallet. With his keen political perception, he knew that whoever could set up this trial case in a Nebraska court and bring forth a conviction of I.P. Olive and his men for the lynching and burning of the settlers, that man might well aspire to greater political heights than a district judgeship. Forthwith canceling his district court session at Sidney, Nebraska, and turning his back upon a heavy court docket, Judge Gaslin turned his face eastward toward his political future.

Judge Gaslin immediately ordered his court reporter, F.M. Hallowell of Kearney, to feel out the Eaton family's sentiments, but to suggest to them that they remain quiet until the judge had worked out the legal mechanics standing in the way of a trial. Then he hurried on to Plum Creek. At the home of the Attorney General, Dilworth, Judge Gaslin met with a group that included McNamara, the lawyer who had followed the prisoners to their doom at the Devil's Gap, and who had become aware of the legal and political aspects of the case. Following upon the heels of this meeting, Judge Gaslin next met with Sheriffs Dick James of Dawson County and Dave Anderson of Buffalo County. Attending this meeting was Ezra P. Savage, a livery stable operator who was Judge Aaron Wall's contact man from Loup City.<sup>1</sup> The Custer County lawmen had refused to take any part in the arrest of Olive and his men, arguing that the murdering homesteaders had got only what they deserved, and at this meeting the judge found other neighboring sheriffs like-minded. All felt that Print Olive's revenge was justified and none wanted to incur the heavy expenses of a court trial upon their new counties. The feeling against the two dead cow thieves was running at high tide, even in Kearney, and the judge realized he must look elsewhere for succor, since those at the seat of the trouble would lend no aid.

At Kearney, Judge Gaslin induced an old friend, J.P. Johnson, to help him make up a posse to arrest the Olive men. In this posse were Lawrence (Lum) Ketchum, brother of the dead man; Bob French, of Kearney; Young, a Clay County man; a man named Pingree; and another Illinois drifter whose name no one could afterward recall. This posse journeyed secretly to Plum Creek, serving

their warrants without trouble and arresting Print, Frederick Fisher—his foreman, who was seen with him at Plum Creek the day before the lynching—Bion Brown, Pedro Dominicus, Barney Armstrong, and Nigger Jim Kelly. Warrants were held for Gillan and Gartrell, both of whom had fled. Gillan, friendly with the cattleman Russell Watts, was sheltered at Watts' North Platte home until he could escape from the country.<sup>2</sup> The prisoners were taken to the Kearney, Nebraska, jail but public sentiment now ran so high in favor of the Olive men that officers feared the prisoners might be delivered by sympathizers, so moved them to the Sutton County jail. While there, Sheriff McPeak wired the governor for "twenty-five stand of arms for guarding the Olive prisoners." Print and Fred Fisher were later removed to the state penitentiary for safekeeping.

This shifting from jail to jail seemed much designed to help turn public sympathy away from the cattlemen, as it was constantly intimated that the forces feared were "the Olive gang," though the Olive men were already behind bars! Back at Kearney, the remainder of Print's men were kept in isolation, each, in turn, being promised immunity if he would turn state's witness. Before long the two weakest links in the chain of defense were threatened, both Bion Brown and Pedro Dominicus lending an ear to the blandishments and threats of the prosecution staff.

Phil DuFran, soon added to the list of prisoners, was charged with the others in the brief filed before Judge Gaslin in Buffalo County court, February 19, 1879. Nine men were now charged with murder: Olive, DuFran, Green, Baldwin, Fisher, Gartrell, Dominicus, Gillan, and Brown. McNamar, the affiant in the brief, charged that a felony had been committed in the "so-called-county of Custer." Since that county was unorganized, the brief stated, "and many of the citizens of the area reside within the 6th Judicial District," the way was theoretically paved for Judge Gaslin's forthcoming opinion, filed the same day, in which he stated that Adams County, in the 5th Judicial District (Judge Gaslin's own district) would be the place designated by him as the court "wherein the alleged offense may be enquired into by the Grand Jury. . .and tried."<sup>3</sup>

Thus Hastings, Nebraska, a hundred miles distant from the scene of the crime, was designated by Judge Gaslin as the proper

place to take the trial. And though legal ethics normally dictate that a judge who is personally interested in a case should disqualify himself for bias, Judge Gaslin further found that he would be just the man to hear the case tried, directing that the Grand Jury meet at a Special Term, February 26, 1879. On February 27 an indictment was brought against the nine prisoners, charging murder in the first degree, together with a separate indictment charging Armstrong and Kelly as accessories before the fact.

On February 23 an earlier indictment had been found against Armstrong, Beeton (or Bielie as the trial records made it), and one "McIndeffer," their guide who had taken the deputy sheriff's posse to the Mitchell homestead to arrest Ketchum! This nonsensical indictment charged the posse under Deputy Bob Olive with "shooting with intent to kill and murder" Mitchell and Ketchum, but failed to mention that the settlers were the ones who had committed the murder, so entangled had the court charges become. Nor was any mention made of Olive's murder in any document put into the record by Judge Gaslin. The prisoners were held in lieu of \$8,000.00 bail each, now at the Hastings jail, and the trial date set for the spring term of court, April 1. But before that date the weak links in the defense chain pulled apart, and Phil DuFran, Bion Brown, and the Mexican gave in. When DuFran turned state's witness, an earlier story of his duplicity, one that had remained rather hushed up, now came into the limelight and was retold at every ranchhouse. "Doc" Middleton, who had finally been caught, shot, and imprisoned, had become a folk hero to the frontier people, for he had defied the authorities for years. Several traps which had been laid to catch him had been evaded, to the amusement of the cowboys. Earlier that spring or summer, Doc was thought to be resting at the Olive ranch. This day Sheriff Pat O'Brien of Custer County and a posse made up of Al Wise, Milo Young, Frank Cozad, and Anton Abel, with a warrant for Middleton's arrest in their saddlebags, watched the Olive headquarters two days and nights. Meanwhile, Middleton and a confederate, Scurry, rode up to the ranch of Phil DuFran on Cottonwood Creek, bypassing the Olive spread and eluding the posse. As the mail carrier drove into the ranch yard, Middleton and Scurry were talking with John Dyer, DuFran's



foreman, and a first-rate cowman. Scurry pulled his gun, said "I'll take a look at that, John" and handed the letter to Middleton. Doc opened it and read:

Plum Creek, Nebraska

John: Dick James is coming to arrest Middleton, and Scurry. You will give him all the assistance you can.

Phil DuFran

Middleton studied the letter for a moment, then handed it to Dyer. Phil DuFran, like the other ranchers, had always pretended a friendliness for Middleton, so long as he left their livestock alone, a bargain which he had kept thus far. Doc spat a long stream of tobacco juice into the dust. "John," he said, "that Phil DuFran is just a goddam cowboy Judas!" Dyer just grinned, and nodded. He knew his ranch boss well, and how he operated.

Middleton and Scurry forthwith saddled DuFran's finest driving team, Frank and Fox, and departed in style from the DuFran ranch yard.<sup>4</sup>

\* \* \* \*

The trial of I. P. Olive and his men was held at Liberal Hall in Hastings, Nebraska. Liberal Hall was a large building built and used by the Unitarians on Sundays. It was the only building of auditorium dimensions in the town that would hold the audiences which the screaming publicity and headlines promised for the occasion. More than 400 spectators would attend daily and lounge around the building.

The hall was constructed with a gallery in front, a stage at the rear, an arrangement that made the auditorium easily convertible from church to theater and back again upon demand. Festooned with flags and gay banners, it produced the political and religious atmosphere that suited itself to the pleasure of the various lawyers in the case, a stage upon which they could play out real-life roles in an air of religious sanctimony, yet with saloon freedom. The floor had been sprinkled liberally with a thick carpet of sawdust to take up the moisture from muddy feet and to absorb the brown juices of a tobacco-chewing age. It provided a drier, if not more sanitary, area for the sweeping dresses worn by the many women

spectators who attended the trial. The scene was laid with care by Judge Gaslin and the prosecution lawyers. The stage setting was developed to almost theatrical perfection for the great, western drama in which the Devil would be put down by the forces of Good. The hidden rewards for effecting such justice were presumed to be everlasting political life.

Judge Gaslin selected A.T. Ash as District Attorney *pro tem*, and General C.J. Dilworth, the attorney general, would aid him in the prosecution. Dilworth was recognized over the state as one of the more politically astute men of his party. He was a man of means who owned a fine farm in Phelps County, near Plum Creek. The regular district attorney, T. D. Schofield, though a most competent man in his own right, was shuttled into the rear echelons of the defense, a move that raised even Republican eyebrows over the state.

Assisting the prosecution was C. W. McNamar, the Plum Creek lawyer who had been in the case since its beginning, as was Aaron Wall of Loup City, the county judge who now occupied a somewhat nebulous role in the background as informant and advisor. But the truly big gun of the prosecution staff was Rt. Hon. Judge John M. Thurston of Omaha, "old man eloquence" as he was called by members of the Nebraska bar.

John M. Thurston was widely acclaimed as an orator of great ability, it having been said that he could bend the will of any group to his own way of thinking to such an extent that Democrats grew afraid of him at campaign time and refused to listen to his platform speeches for the Grand Old Party. A few years later, Thurston would address the national Republican Convention as its keynote speaker, so great was his talent. "It is expected," wrote a contemporary editor at the time, "that Thurston will paint such a vivid picture of the hanging of Mitchell and Ketchum that the audience will believe themselves present and participating in the crime."

This array of legal talent, costing the State of Nebraska many thousands of dollars, was partially financed through a unique plan conceived in the keen mind of Judge Gaslin. With the guile of a fox, the dour-visaged judge had made available to the prosecution the sum of ten to twenty thousands of dollars (the judge himself gave

the latter figure), this huge fund to come from the treasury of the State of Nebraska! It was a feat of politico-legal legerdemain never before heard of in any state—an appropriations bill put through the State Legislature.

As further testimonial to Judge Gaslin's political and legal sagacity, the appropriation fund was so arranged that it could be paid out *only on vouchers signed by Judge Gaslin himself!* Through this financial arrangement, more than fifty witnesses, many from Buffalo, Custer, and Sherman counties who wanted to hear the trial, had their expenses paid to and from Hastings, their hotel bills and incidentals included. The fund also made possible the eventual transport and rations for a company of regular soldiers to Hastings to play an unusual role in the trial's progress and to add to the incitement of public fears, rather than as should have been, to allay them.

By the 18th of January, the *Nebraska State Journal* was caustically criticizing "Texas Men" who brought shame to Nebraska, and the newspaper repeated a phrase, picked up from the pro-prosecution press, "The Nebraska Fiends," as a phrase to describe Prentice Olive and his men. Long before the trial commenced, the pro-prosecution press had shed an ocean of crocodile tears for the deceased "innocent settlers." It had not, noticeably enough, inquired in to the murder of Bob Olive at their hands; neither had it mentioned the theft of livestock as the root of the trouble; nor did it tell of the threats made by young Ketchum in his neighborhood to those who would not go along with his stealing.<sup>5</sup> The press had, in fact, pretty well washed away in the public mind what had actually taken place in Custer County by the time the trial started. Only such tid-bits as the sod-house courting of the young daughter of Mrs. Mitchell, Tamar Snow, by the deceased blacksmith were publicized, and this commonplace frontier friendship was now made to assume the proportions of a Romeo-Juliet idyllic romance.<sup>6</sup> It was only when the true political nature of the trial became apparent to all contestants and rivals in the state that the newspapers took their cues, stepped to their proper political alignment, and assured that both sides of the trial would be presented over the state. As the trial drew near, the *Lincoln State Journal* editorialized:

Messers Steele and Percival, of Central City, have written a long letter to the editor of the *Omaha Republican*, concerning the barbarous lynching of Mitchell and Ketchum, and alleging that the *State Journal* and *Omaha Herald* has espoused the causes of Olive and other prisoners . . .

The communication contains testimonials from acquaintances and neighbors of the murdered men, attesting to their good character, and extracts from the *Herald* tending to show that the paper thought there might be two sides to the question. And which there definitely were, though the *Republican* was trying to see that only the prosecution's side showed.

The defense staff which Print Olive drew around himself and his men was modest but no less skilled than that of the prosecution. Judge Beach Hinman,<sup>7</sup> North Platte, and Francis G. Hamer, Kearney, were two of the men known widely in Nebraska legal and political circles. Hinman held Pre-Emption Certificate No. 1 at the U.S. Land Office in the North Platte area and owned a nice ranch, dealing in cattle together with his brother, John Hinman. Francis G. Hamer was an impressive personality whose dignified presence charmed spectators in every courtroom where he pleaded before the bar.

Supporting these two prominent figures were Hon. James Laird, old friend of Prentice Olive, one-time Nebraska Congressman, attorney for the C.B.& Q. Railway, and for whom the town of Laird, Colorado, was named, a town just east of the former Olive range in Colorado. John Carrigan, another bright star in the state's legal firmament, was another staff member. He had served in the 6th Illinois Volunteers during the Civil War and was a resident of Blair, Nebraska.

To match the prosecution's Thurston, the Olive staff selected General A.H. Connor, a strategist and speaker of great discernment and power. The defense also lined up forty character witnesses for Prentice Olive and his cowboys. With the collision of these two legal brain-trusts, both well supplied with court lore and political savvy, the prosecution financed by the Nebraska State Treasury and

the defense drawing upon what was thought to be the limitless wealth of the Olive cattle empire, the state and nation were justified in expecting one of the greatest and most sensational courtroom dramas of all time.

The basic strategy of the defense was to show the jury that the reason for Print's lynching of the settlers was that the victims were cattle thieves, not "innocent settlers" as the prosecution would lead them to believe. How else might "justifiable homicide" be maintained? Second, but less hopefully, the defense sought to prove Print and his men innocent of the mutilation burning. All of the Olive men knew the townsmen Green and Baldwin had committed the act.<sup>8</sup> But it served no useful or practical purpose now to make the accusation in the courtroom, nor would the judge permit it.

The evidence that lay before the court and the jury, as gathered by the prosecution, did, indeed, point to premeditated murder with malice aforethought. But since the act had not been one of premeditation, and since unanticipated events caused the defense staff to alter and change their course with each day's sun, they placed this fact among those which would be met as one of the exigencies of the day and taken care of when it arose.

The prosecution brought the prisoners together at Hastings, keeping each man isolated from the others. Soon, through clever work of prosecution lawyers, Bion Brown, Pedro Dominicus, and Phil DuFran were won over to the role of state's witnesses under promises of immunity. Now the prosecution permitted the three to mingle with the other prisoners and learn the secrets of the defense, then pass them along to the prosecution. By this time it was an accepted fact that Gartrell and Gillan had escaped and would not stand trial with the others.

On April 8, after much maneuvering and sparring, the two sides agreed to try all prisoners separately, with the exception of Olive and Frederick Fisher, who would be tried together. This was to be the feature trial, and an ironic twist, for McNamar's testimony before the Grand Jury had placed Fred Fisher at Print Olive's side on the day of the arrival of the prisoners in Plum Creek, and Fisher was unable to provide any proof that he was elsewhere when the hanging took place.

In Hastings, every hotel, boarding house, and rooming house filled to overflowing as the trial date neared. Men slept in cots in the corridors, and in blankets and saggans at the wagon yards. At the livery stables, wagons, buggies, and harness animals crowded every inch of space while the barn lofts and corrals held their portion of the sleeping figures of men and women every night. Prentice Olive had scores of friends and acquaintances over the western range country, and now hundreds of them came to Hastings to attend the trial, many to testify as character witnesses. Both cowmen and settlers from Kieth, Buffalo, Lincoln, Custer, Valley, and Taylor counties were present.

The sight of so many cattlemen with their wide-brimmed hats, their jingling spurs attached to high-top riding boots, carrying Colt and Remington six-shooters on their belts, drew long stares from the effete easterners. Lawyers of the prosecution soon turned this normal visitation of interested people to their own sly use, whispering that the cattlemen were preparing *en mass* to deliver the Olive prisoners from the Hastings jail, free them, then, perhaps, sack and destroy the town! It was such a bold and presumptuous plan in the outline sketched by the prosecution lawyers that few paused long enough to realize how completely baseless it could be. In the emotional mélange of that hour, as has been proved possible many times since in world history, the crazier a thing sounded, the greater its truth seemed to the people.

Print had been through it all before at Georgetown, when the Yegua mob threatened his life and the rights of the court. Then, the community had stopped the interference with justice by its own show of force. Now the cowmen's numbers and strength, completely outside his control, were being used by the prosecution lawyers to demean his character and threaten his own chances for a fair trial.

As the court opened, there came a few tedious days for selecting the jurymen, the lawyers wrangling first over this name then over another. Eventually twelve men were selected.<sup>9</sup>

Following the introduction of charges and specifications in the grand jury indictment and a brief statement of what the prosecution sought to prove, all given by General Dilworth and a brief but sharp

rebuttal by the defense staff's General A. H. Conner, the great trial was underway. It was now April 9th.

Pushing the prosecution, Dilworth first called twenty witnesses, McNamar, the Plum Creek lawyer leading the list. By reason of his easy familiarity with the Olive men's names, the locale and the events, his testimony was damaging. It was promptly challenged on the basis of his connection with the deceased murderers. He was followed by Phil DuFran, who came on the stand a large, boyish-looking person, quite pale and trembling with fear who, with reluctance, told his story in a hesitant manner. At the prompting of the prosecution, DuFran put Bion Brown and Pedro Dominicus at the scene of the lynching, thereby cutting the pair into the hands of the prosecution for keeps. DuFran's testimony was damaging, for he had been the last of the men on the side of the prosecution to see the two settlers alive, other than the members of the hanging party themselves.

As the long procession of witnesses came forward with their testimony, Hinman and Hamer constantly interposed objections, attempting to keep out thoughtless opinions and character defamation without base, but Judge Gaslin smilingly overruled every objection. James Laird, at one point during the DuFran testimony entered the fray.

"This man's testimony deals with an affair happening in Custer County, Nebraska, a judicial area over which this court has no jurisdiction. I further suggest to this court that Mr. DuFran's testimony is unreliable, since he stands as one of the original felons accused of the crime, now being once-removed as a witness for the State of Nebraska." Judge Gaslin scowled at this, to him, impertinence, and quickly denied the motion. But as he later reflected in his chambers, he realized the astute Laird had touched a sensitive nerve running through his own legal opinion of the case—the matter of jurisdiction.

Laird continued to press this technical issue, defining the legal terms and describing the grounds as he proceeded as a college law professor might do before a class of students. At this strategy, the judge grew angry, cutting him short in mid-sentence and trying to prevent Laird from again bringing up the touchy matter of his right

to sit as trial judge. At the judge's presumptuousness Laird, too, grew angry.

"It seems to me that no one has any rights in this court," Laird spoke sharply to Judge Gaslin, looking him in the eyes. Gaslin was now infuriated by Laird's effrontery in pressing the legal technicality of jurisdiction.

"I find you in contempt of court for using loud, disorderly and contemptuous language in this court," the judge said, "for insolence in your behaviour and language toward this court, for wrangling and using boisterous language to opposing counsel. I fine you twenty-five dollars in open court!" Judge Gaslin's nostrils dilated in his anger and the blood stood red in his forehead. Laird subsided for the moment, boiling inwardly. He had tried repeatedly to get Bob Olive's murder brought to the jury's attention and spread on the record but to no avail. Disheartened, he sat down, not knowing that his efforts had paved the way for future action in a higher court, a court that would question Judge Gaslin's arrogation of jurisdictional authority not within his rights and eventually set aside Gaslin's ruling.

On that day that Du Fran completed his testimony, the prosecution loosed one of its depth bombs which it had carefully held for the "critical time." It was in the form of a request from the Sheriff of Adams County, S.L. Martin, for a full company of militiamen to be poured into the town of Hastings under the pretense of suppressing an uprising against law and order by "the Olive gang." Though only a handful of Olive men remained outside of jail, most of them at the ranch, a threat was seen in the few that were on hand as character witnesses, among whom was "Calico John" Gatlin who had made the trip up from Texas to testify for Print. Sheriff Martin's telegram read:

HIS EXCELLENCY ALBINUS NANCE  
GOVERNOR OF NEBRASKA  
LINCOLN, NEBRASKA

SEND COMPANY OF TROOPS IMMEDIATELY.  
THE CRITICAL TIME HAS ARRIVED. DO NOT  
FEEL SAFE WITH SUCH GUARDS AS I CAN GET.



SEND TROOPS FROM OTHER POINTS THAN THIS COUNTY FOR REASONS YOU KNOW. HAVE THEM HERE BY SPECIAL TRAIN AT NOON TOMORROW (FRIDAY). FOR GOD'S SAKE DON'T FAIL.

(signed) S.L. MARTIN  
SHERIFF  
ADAMS COUNTY

The "for reasons you know" was to avoid the criticism likely to arise from the local citizens who knew that no danger, violence, or anarchy threatened the peaceful town or was even anticipated, since local guards in sufficient numbers had maintained perfect order in the town. The sheriff had 35 armed men available at this time; he now added 15 more for effect.

Two o'clock until three o'clock in the morning the Adjutant, Captain Si Alexander, secretary of state, was awaiting a reply from Gen. Dilworth who was then in Hastings. The Hastings operator at the telegraph station had been absent from his post for more than an hour. That was a strange situation, said White, the Chief Dispatcher of the B & M Railroad to a reporter, especially so when heavy traffic was momentarily expected over the wires, should General Dilworth corroborate the wire received from Sheriff Martin.

The Hastings operator fully understood the purpose of the telegram, knowing Dilworth to be engaged in separate negotiations to recruit a hundred volunteers at Lincoln if the Governor proclaimed the whole issue a political matter tied in with the Olive trial. Should General Crook, commander at Fort Omaha, be asked for regular army troops, he might also view it in the same light, especially so since martial law must first be declared by Governor Nance before a troop movement was initiated. But that chance must be taken.

In Lincoln, the governor made his political estimate of the situation, then moved in a direction different from that proposed for him by the prosecution staff. He bounced the ball between the legs of Dilworth and the Adams County court and authorities, squarely and unexpectedly into the hands of Brig. Gen. George A. Crook by approving the following telegram:

LINCOLN, NEBRASKA

APRIL 11, 1879

BRIG. GEN. GEORGE A. CROOK,  
OMAHA, NEBRASKA

SHERIFF MARTIN OF ADAMS COUNTY, NEBRASKA, HAS CALLED ON GOVERNOR NANCE FOR MILITARY ASSISTANCE TO AID HIM IN GUARDING THE OLIVE GANG FROM OUTLAWS WHO, FROM OFFICIAL AUTHORITY RECEIVED AT THESE HEADQUARTERS, WILL ATTEMPT THE RESCUE OF THE PRISONERS IN THE SHERIFF'S CUSTODY. CAN YOU FURNISH THE STATE WITH A COMPANY OF U.S. TROOPS FOR DUTY AT HASTINGS, NEBRASKA? HAVE THEM REPORT THERE THIS MORNING BY SPECIAL TRAIN THAT WILL BE FURNISHED AT OMAHA? PLEASE ANSWER IMMEDIATELY.

S.J. ALEXANDER  
ADJUTANT GENERAL  
FOR THE GOVERNOR

The governor's adroit handling of the request for troops saddled the soldier, General Crook, with the problems created by the lawyers and politicians at Hastings. It was not the first time the military men would pick up the tab for political impudence. The governor realized if but one prisoner escaped—a highly possible event should he oppose the "Hastings plan"—his future would be placed in jeopardy at the next election. So he washed his hands of the Olive trial and its dangers.

In the simulated courtroom in Liberal Hall at Hastings, the attorneys were now striking boldly for the recognition and publicity that would enhance their careers. Only a handful of the forty witnesses called by the defense appeared, so cowed had they become by the court and its attitude. The opportunities at the trial had become rich, indeed, and the lawyers of the prosecution were responding to the stimuli like old cutting horses at a roundup. Back in Lincoln and at Fort Omaha, the telegraph wires were hot, with General

# The Ladder of Rivers



## *The Story of* **I.P.(Print) OLIVE**

**BY HARRY E. CHRISMAN**  
*Author of LOST TRAILS OF THE CIMARRON*



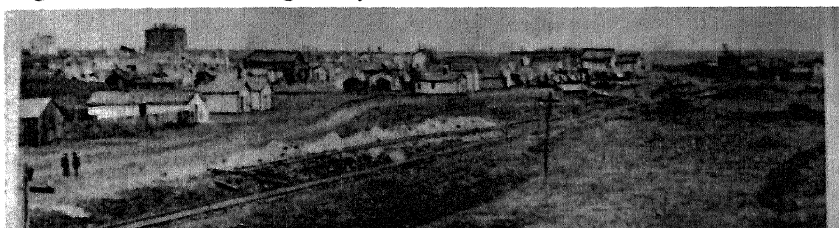
"The Chisholm Trail," by William H. Jackson. Jackson, famous pioneer photographer and artist, captured the spirit of the Chisholm Trail in this panoramic painting. The great herd crosses a stream in the valley below as the lead steers move up the slope in the foreground. At the left, the trail boss and a *vaquero* sit their mustangs, watching the herd move out of the valley below. In the distance appear the mesas, suggesting the Southwestern cattle country, while at the right the mountains appear, telling of the proximity to the continental cordillera. The scene might be laid in the Cheyenne and Arapahoe Nations in 1876 when the Olive herd moved north to Colorado range. *Photo courtesy the late Clarence S. Jackson, son, Denver.*



Dodge City, Kansas, 1873. The Dodge City of the buffalo hunters had little to recommend it when this old picture was taken from a vantage point on Boot Hill. The Wright and Rath Store at the right hand of the picture was by this time well in business, the upstairs room becoming the warehouse for the Texas cowmen who would soon be bringing their herds to Dodge to ship over the rails of the A.T.&S.F. railroad. The depot and the water tank can be seen at the center, right, of the picture. Another large buffalo-hide warehouse appears at the center left, with one of the major hostelryes, with white front, at the left of the scene. In the background is the Arkansas river (right) while the railroad angles from the left (east) to the right (west). *Photo courtesy The Original Robert Eagan Collection, Dodge City.*



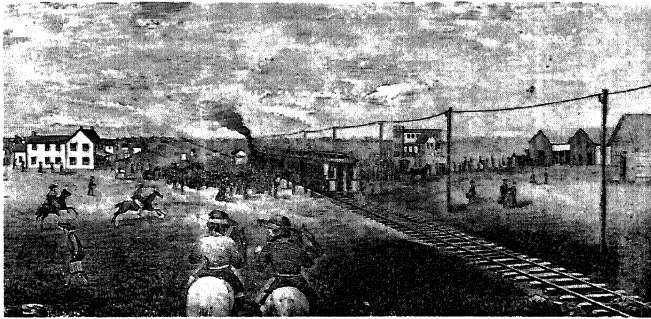
Dodge City, Kansas, 1876. This is the way Front Street in Dodge City looked the summer the first Olive herd passed through, heading for the Republican River in Nebraska and Colorado. Here, I. P. Olive first met Ham Bell, H. M. Beverley, Martin Culver, Bob Wright, and other men whom he was to know and deal with for many years, both as drover and as Ford County rancher. *Photo from Original Robert E. Eagan Collection, Dodge City.*



Dodge City, 1879. This view, taken from present 4th or 5th Avenue, shows the old Third Ward school on Boot Hill where the Olive brothers, Billy, Tom, Harvey, and Al commenced school at Dodge City. Front Street, famed in story, is the cluster of shacks at the right center of photo. The railway tracks lead down to the AT&SF depot. The old Santa Fe Trail (Trail Street) leads in from the right of the picture. *Photo from Original Robert Eagan Collection.*



This old photo taken in 1872 by Webb's Studio, Ellsworth, Kansas, shows the main thoroughfare of the burgeoning cowtown. It was here, in July, 1872, at the Ellsworth Billiard Hall and Saloon, that I. P. (Print) Olive was shot and badly wounded by James (Spike) Kennedy, son of Mifflin Kennedy of Corpus Christi. Drover's Cottage, where Olive and other cowmen stayed in Ellsworth, is shown at the right foreground. *Photo courtesy George Jelenek, Ellsworth.*



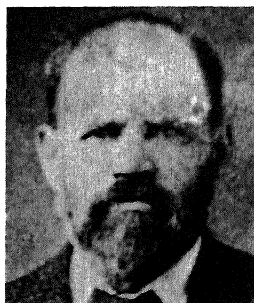
"Abilene in Its Glory." This was the caption Joseph McCoy gave this old picture in his famous work on the cattle industry of the 1860's and 1870's, *Historic Sketches of The Cattle Trade of the West and the Southwest*, published in 1874. The engraving depicts the old cowtown about 1867-68 when the Olive brothers were first taking cattle north to the railheads. There is some question among experts as to whether this picture actually represents Abilene or the later Ellsworth. Photo courtesy Kansas State Historical Society.



Frequently published as the Dodge City "Peace Commission," with only seven figures, the above eight men supported Luke Short in his campaign against A. B. Webster and the moral element in Dodge who sought to close up the saloons. Left to right: *Back Row*, W. H. Harris, former co-owner, with Chalkley Beeson, of the Longbranch Saloon; Luke Short, partner of Harris; W. H. (Bat) Masterson, at this time a gambler from Colorado; William F. Potillion, former newspaperman and Register of Deeds in 1880. *Front Row*, Charles Bassett, former Ford County sheriff; Wyatt Earp, former Dodge policeman; Frank McLain and Neal Brown, former assistant marshals of Dodge City. Photo from Original Robert E. Eagan Collection.



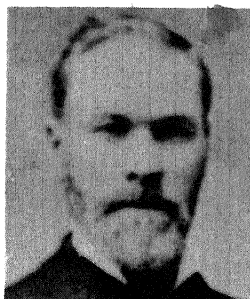
D. Welborn (Doc) Barton was one of the first trail men to reach the Arkansas River with a herd and the last to leave, passing on to his reward at the age of 91 years. He was a friend of Print Olive. *Photo courtesy the Original Robert Eagan Collection, Dodge City.*



"Prairie Dog Dave" Morrow, 1838-? Former buffalo hunter, Morrow shot and sold the hide of an albino buffalo to Robert Wright, Dodge merchant, for \$1,000.00. Fannie Morrow married Ernest Hendricks, famous Dodge City restaurateur. Hendricks was the step-son of Susan, Louisa Olive's sister. *Photo courtesy Original Robert E. Eagan Collection, Dodge City.*



Hamilton B. (Ham) Bell was one of Dodge City's best-known citizens, having resided there for 70 years. He came in 1874; was lawman; businessman. Print Olive and Ham Bell were friends for many years. When Ham Bell died, Ida Olive, wife of Print's son Al, said, "Ham Bell placed a wreath on every one's grave who died in Dodge City. That's what I remember him best for doing." *Photo courtesy Boot Hill Museum, Dodge City, and Frank Locke, Lora-Locke Hotel.*



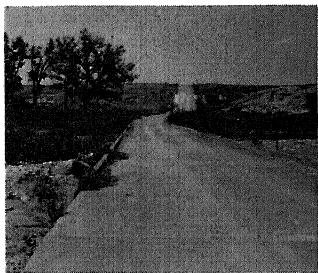
Richard J. Hardesty, 1833-1910 was a friend and fellow-cattleman with Print Olive at Dodge City. Both Olive and Hardesty had streets named after them, so well were they known as staunch Dodge City supporters. *Photo courtesy Original Robert E. Eagan Collection, Dodge City.*



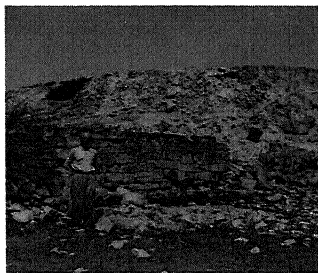
The Olive Springs. Ever-flowing springs at this point near the Smoky Hill River was one attraction to I. P. Olive when he settled there after moving from the Loup Range in Nebraska. The above photo was taken in August, 1955. Today the stone ranch home is in ruins, two of the giant cottonwood trees have fallen across the water tank and the place has been abandoned. *Photo by author.*



The above shows the Olive Cemetery plot in Maple Grove Cemetery, Dodge City, Kansas. Here are buried Print Olive and his wife, Louisa; also their four sons, Billy, Tom, Harvey, and Al and Tom's wife, Emma Strange. In the far distance to the east can be seen the hill-ridge which defines the "Olive Addition" to Dodge City. Nearby are graves of other Dodge cattlemen such as Chalkley Beeson, Jack Hardesty, Bob Wright, and others, friends and acquaintances of Print Olive. *Photo by author.*

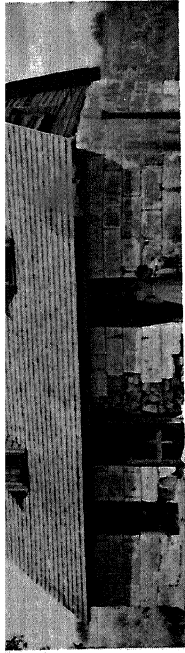


Armstrong Crossing of Smoky Hill River. At this point the freight road from WaKeeney going southwest to the ranches south of the Smoky Hill crossed on a rock bottom. The postoffice of Gibson, established in 1880, was here. West a mile or two was the Olive ranch. Here lived Harriet Emmaline Upjohn, Billy Olive's sweetheart. *Photo by author.*

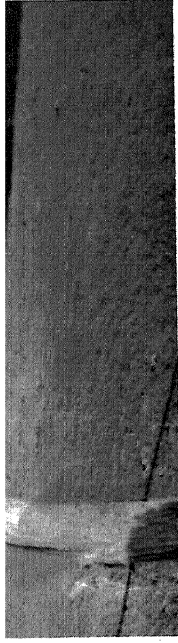


Stable ruins at the Armstrong Crossing of Smoky Hill River. Former site of Gibson postoffice and home of Timothy Armstrong. The old stables were built to shelter stage and freight-wagon teams on the trail. Leslie Frye of Arnold, Kansas, is man in photo. *Photo by author.*

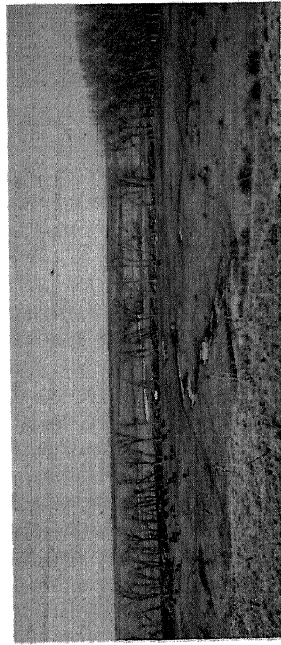




I. P. Olive ranchhouse on Smoky Hill, near the spring on the Smoky Hill River in Kansas where Olive ranched. It was here that Billy lay in the trough under the eaves and hid out from the sheriff sent to arrest him for the murder of Dave Harrison. It was here that Louisa received the news of her husband's tragic death. *Photo taken in 1955 by author.*



Print Olive Ranch on Sawlog Creek, North of Dodge City, was backed up by a large government range. The Texas cattle trail passed nearby. Here, in the blizzards of 1885-1886, more than a hundred and fifty head of his young cattle froze to death. *Photo by author.*



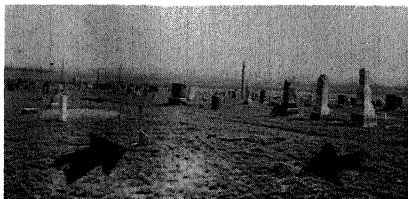
The Olive Horse Ranch on the middle fork of the Walnut, "near the Texas cattle trail," was located at this spot in the early 1880's. It is now a ranch where fine Hereford cattle are raised. The location is in eastern Lane County, Kansas. *Photo by author.*



Fort Hays-Fort Dodge Trail, Kansas. The view, taken in 1930, is from a point in the Warner pasture, south of Sawlog Creek, where Prentice Olive had one of his ranches. This trail was used for freighting as well as a cattle trail to Nebraska, the ruts appearing well-worn. *Photo courtesy of Ernest Quick.*



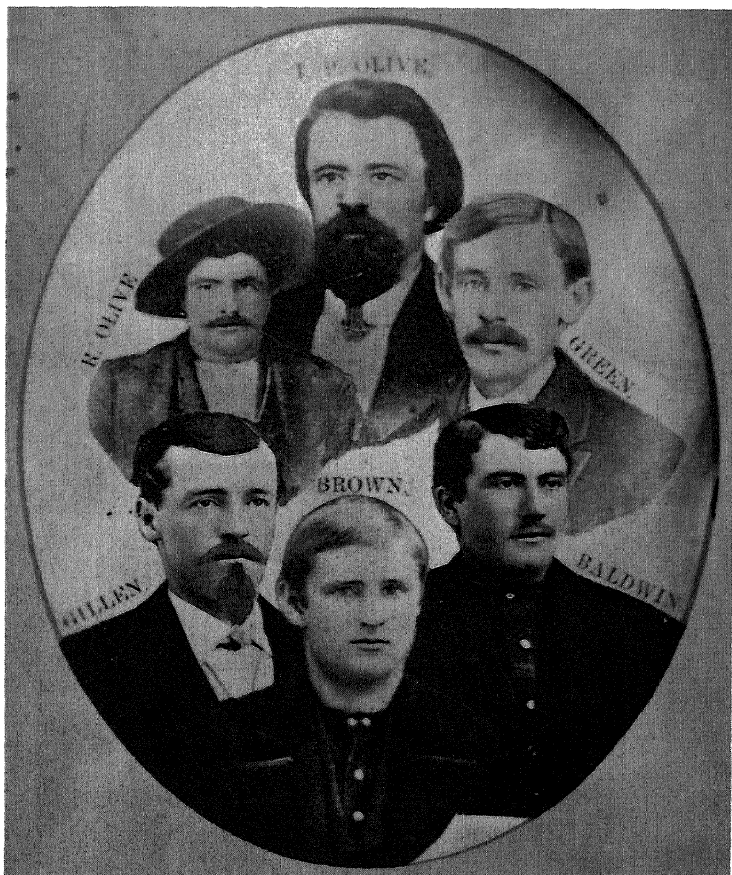
Beaver City, No Man's Land. An early-day photo of Beaver City, showing the main street, looking north toward the Beaver River, about three blocks away. The building at the right was where Billy Olive was shot to death, his murderers concealing themselves behind barrels across the street when Billy and Lengthy Halford stopped at Garrigue's Store to buy some tobacco. *Photo courtesy the late Ben Kinder, Beaver, Okla.*



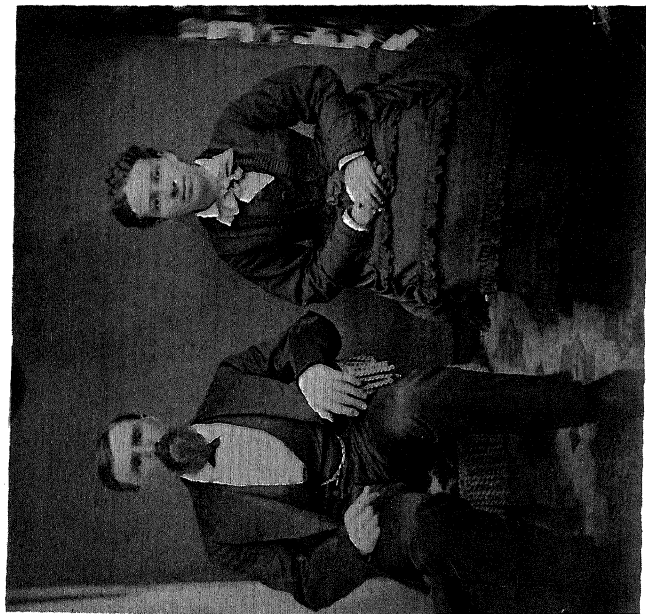
Beaver (Oklahoma) Cemetery. The two plain, unlettered limestone slabs in the foreground are the gravemarkers of the two first burials in the cemetery, those of Frank Thompson and O. M. Bennett, the gambler and the merchant shot to death by the Beaver Vigilantes. Billy Olive was marked for death by the Vigilantes and eventually shot by Henderson, a saloonkeeper, who was one of the committeemen. The immediate quarrel between Billy Olive and Henderson was over a photograph of Billy's girl-friend, which she gave to Henderson and which he posted over the bar in a saloon. John (Lengthy) Halford, Billy's companion who was with him the day Billy was killed, escaped. *Photo by author.*



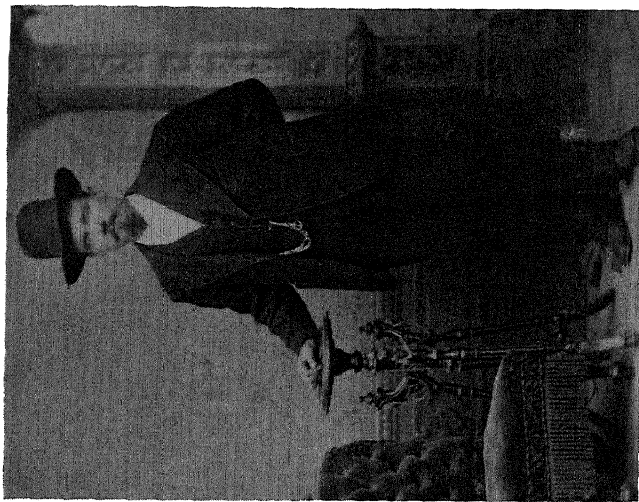
Emmaline Upjohn in the bridal dress she made herself. The picture was taken about 1885. Emmaline was Billy Olive's sweetheart at this time, living on the Smoky Hill River near where Print Olive built his ranch home. *Photo courtesy Kansas State Historical Society.*



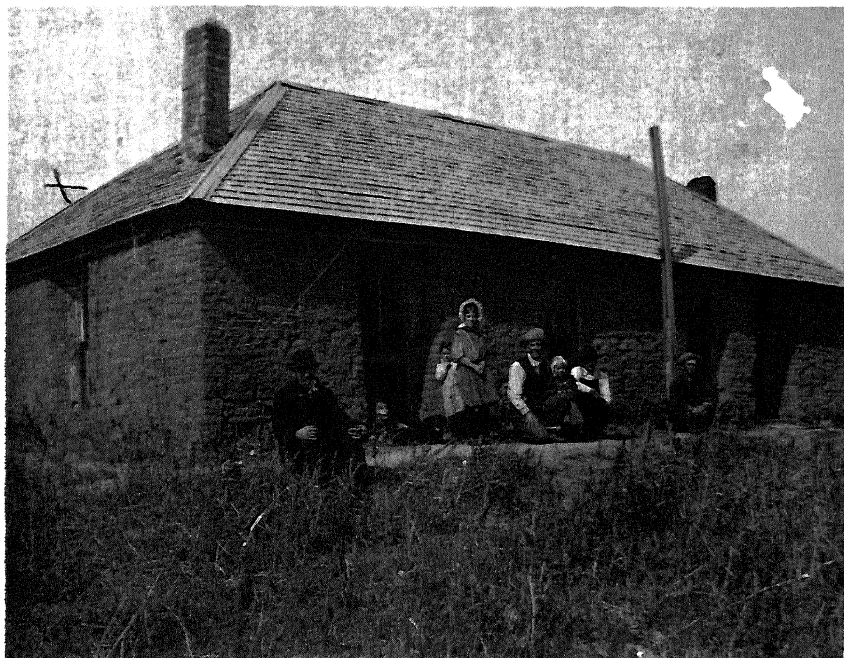
"Photographs of the Olive Gang," reads the old caption on the back of this postcard picture, prepared for mass sale in 1879, before the Olive trial. The caption adds: "Copyright (sic) applied for by J. B. Silvis of the U. P. Photograph Car. Price 40c Each; or \$4 per dozen. Views of the Hanging of Mitchell and Ketchum for sale, Price 35c each or \$3 per dozen." The thousands of pictures distributed greatly influenced public opinion against Print Olive and his men. The photo shows, top, Print Olive; left, second two are R. (Bob) Olive, and Bill Green; Bottom three, left to right, Barney Gillan, Bion Brown, and Jack Baldwin. The photo indiscriminately mixed members of trial's defense and prosecution, state witness Brown, and the townsmen, Green and Baldwin, labeling them "The Olive Gang." *Photo courtesy Russ Langford, Golden, Colorado.*



Mr. and Mrs. Russell Watts, in a photo taken Aug. 24, 1879. Watts was one of the Nebraska cattle kings. When Barney Gillan was charged, along with the Olive men, Baldwin, and Green, of the lynching of Mitchell and Ketchum, Mrs. Watts helped Gillan, who was their friend, to hide out at the Watts Ranch until he could make his escape. *Photo courtesy Russ Langford, grandson of Russell Watts.*



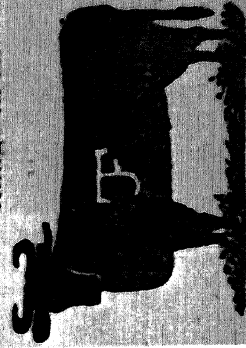
Barney Gillan, shown above, was Kieth County sheriff. Gillan, after delivering his prisoners to Print Olive and his men, came under so much pressure he fled the country and re-established himself elsewhere. *Photo courtesy Russ Langford, Golden, Colo.*



Edom Ranch on the old Olive Range on the Middle Loup River, Nebraska. The author's father established Edom Ranch in the late 1880's. Above is shown the "new" sod house, erected in 1902-3, with shingle roof, telephone wire (on post) and other improvements. The author was born in this house. It is still in use. Before the house are shown left to right: a friendly visitor from Missouri; the author's sisters, Esper and Estelle; the author's father, Henry E. (Gene) Chrisman; the author, 3 years old; a cousin, Lloyd Chrisman; and J. M. (Mack) Chrisman, brother to Gene Chrisman. The author's mother had a 'torn dress' and her pride would not permit her to have her picture taken. As a result brother Hugh, then about five years, stayed inside and also missed having his picture made. Photo taken in 1909.

# **Joseph Sparrow.**

Postoffice address, Camp Supply, Ind. T.  
Range in Indian Territory.



Cattle branded on  
left side, well up to-  
wards shoulder.  
Ear mark—upper  
half crop in left ear.

Additional brands:



on left  
side of  
loin.

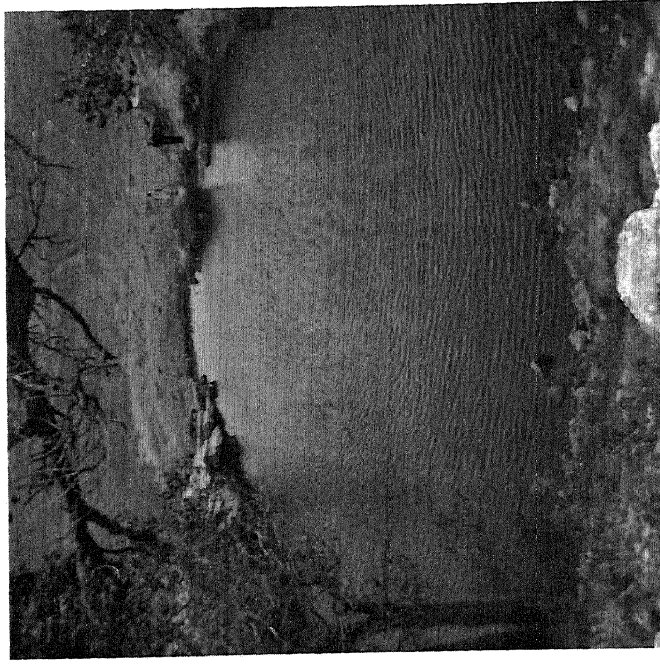
On right shoulder,  
side and hip.



F on right side.

vs-4

Joe Sparrow ran this brand advertisement in the *Dodge City Globe Livestock-Journal*, May 25, 1886. Sparrow had worked for Print Olive, owed him money at this time. The Sparrow brand was called by the cowmen a T J F Connected. The Sparrow horse brand was termed a "Lazy T J F Connected." Sparrow's "cattle business" was, at best, a shaky operation, poorly financed and subjected to all the perils attendant to the high plains cattle industry during the cold winters of 1885-86. In jail after August 18, 1886, it is doubtful if he realized anything out of the ruin of his little ranch enterprise in the Indian Territory. *Photo courtesy Kansas Historical Society.*



Jacob's Well, Clark County, Kansas, was an all-year watering place, never dry even in the dryest years. It was a favored spot for trail herds en route to Dodge City from eastern No Man's Land, and the north-eastern Panhandle of Texas. It is today a fine watering place for ranch cattle of the Open Anchor Ranch. *Photo courtesy Mrs. Leslie Frye, Arnold, Kansas.*

Crook's urgent wires to higher echelons asking for immediate decisions whether to provide the requested troops or not.

Well within the allotted time, a hundred regular infantrymen at Fort Omaha scrambled aboard the special train, paid for from the \$10,000.00 prosecution fund. Under the command of Capt. Andrew S. Burt, Co. H, 9th Infantry, U.S. Army, they detrained at Hastings, threw a cordon of sharpshooters around the Hastings jail and established their headquarters tent across from Liberal Hall, their single Gatling gun pointed directly at the doorway of the building.<sup>10</sup>

The *Nebraska State Journal* editorialized in its following issue, rather philosophically it would seem, but with the full knowledge of the facts of the case, that the feeling of insecurity in the town built up by the prosecution's tactics might now be allayed "even if no organized effort to rescue the prisoners were in contemplation."

Judge William Gaslin, Jr., now sat tranquil and urbane on the bench at Liberal Hall, protected by the U.S. Army; financed from the Nebraska State Treasury; signing the daily vouchers laid upon his desk for signature by individuals and groups, such as the Army detachment at his door; and last, but not least, finding himself in the role of paymaster for the U.S. Army—but alas! far too late to help save the Union. It was a good feeling, to sit before an appreciative audience in an atmosphere which he himself, had done so much to help create; to wear the cloak of righteousness; to help blacken in the darkest shades of evil the slight figure of the cattleman sitting below him; to win the plaudits of The People who would most certainly reward those who captured and slew the Dragon cattleman, who wore about himself all the habiliments of Confederatism in this strictly Union atmosphere. To Judge Gaslin, the early weeks of April, 1879, were filled with great promise of better things to come.<sup>11</sup>



## Chapter XVIII

Louisa Olive was at home in Plum Creek, packing and preparing to attend the trial of her husband at Hastings which would begin the following day. It was a lovely evening in April, with a soft, warm rain falling gently, when a group of visitors arrived at the Olive home. They were Olive cowboys, the delegation headed by William Steers and John Gatlin.<sup>1</sup> Behind them, on the veranda, stood Sam Carr, Bob Olive's friend, John Wheat, and old Tiburcio, the wrangler, and others she could not see in the dim light. Louisa Olive invited them in to her parlor, offered chairs to all, which they awkwardly declined.

"To what do I owe the pleasure of your visit, John?" she asked Calico John, trying to set them at ease. The square-jawed Texan shook the rain drops from his Stetson, fingered the hat nervously in his hands. Then he spoke.

"Miss' Louisa," he said, "Print's in mighty serious trouble down there. If it was a stompede, a Injun ruckus, or a bad river crossing, we'd know how to he'p him. But this law business is somethin' we know little enough about. Now the boys has an idy. I ain't particularly impressed with it myse'f, but if you say it'll he'p Print, then I stand with the others." Gatlin turned to the lanky Will Steers who stood beside him. "Will, you tell her what we're thinkin'."

"Missis Olive," Steers commenced, speaking softly in his Texas drawl, "Print's bin listenin' to them lawyer fellers an' they fixin' to get him hung. It's thet bad. Now we bin plannin' how to git him out o' thet jail there in Hastings, an' to bring him back home to—" Steers stopped, stepped to the open doorway and shielded his face from the group as he spat a stream of tobacco juice over the balustrade, then returned.

"Yes, Will, go on," Louise said, waiting attentively.

"Print ain't got a chanct in that rigged co't," Steers added, now



with greater confidence in his words. "If'n he jest had an even break, we'd gamble with it. But we hear there ain't a juror in Adams county won't vote conviction now. He's done asked for a change to another co't but thet judge ain't listenin'. Now Miss Olive, we aim to free him." Steers turned to Gatlin. "Thet right, John?" Gatlin nodded.

"Do you feel that the jury will be less fair than one selected elsewhere, had he won his change of venue?" Louisa asked.

"Sho nuff!" Steers said, vigorously nodding. "They got folks so choused up and hateful down theah even the army likely to be called out befo' it's over. I hear they bin threatenin' to kill both Print and that lawyer fella workin' fer him—to lynch both of 'em!"

"I find it difficult to believe that, Will," Louisa said.

"That's the talk," Steers defended himself. "Now Print's jail's no better'n a cheesebox. We'll deliver him to you an' you can both get out of the country, go back to Texas, or go west if you prefer." The ex-Confederate cavalryman set his jaw, looked to the other men for approval of the plan.

Louisa looked over the seamed and tanned and serious faces of her husband's friends and cowboys. She had little doubt they could do exactly what Steers had said was their plan. Tears welled up in her eyes as she turned to John Gatlin.

"John—Will," she turned to the hard-eyed Sam Carr, "Sam—all of you. Listen carefully to me. No man ever had better friends, more loyal ones than Prentice has. I want you all to know how deeply I appreciate your desire to help him when he needs your understanding, help, and friendship so much. But for his sake—and mine—if you want to truly help us, don't think any more of trying to effect his escape. It would only make an outlaw of him." Louisa had laid her hand on John Gatlin's sleeve in the earnestness of her plea, and the Texan knew how deeply she felt about the matter.

"Prentice has fought outlaws all his life. He has fought them too long now to become one of them himself," she pleaded. Lifting her handkerchief to her eyes she dabbed them dry, then continued, "Somehow we will win out. We must all have faith. If we have faith, if we are right, God will send Prentice back to his family. Please pray for him, instead."

Will Steers awkwardly nodded agreement. John Gatlin directed

the men to file out the door, gesturing with his hat. It was one thing to deliver a man from a jail at the point of a six-gun. It was a much more difficult feat to face his weeping wife and mother of his children. As the men walked slowly from the house into the grassy yard, Old Tiburcio's voice came back to Louisa.

"Meeses Olliff she ees always what you say—*el mas sabio?* Feeled with weesdom? Si! She is always right!"

Louisa had always had a high regard for the faithfulness of the old vaquero who had been with Print on many cow hunts; now she was happy at his understanding of her problem. It gave her the assurance she needed that she was following the wisest course for her family and her man.<sup>3</sup> Soon the word reached all the Olive men, before the trial had commenced, "Leave the trial alone; that's the way Mrs. Olive wants it."

Louisa attended the first day of the trial, and she stayed to the bitter end, taking the baby, Gertrude, and Harvey and Albert along. She left Billy and Tom at their Uncle Ira's in Plum Creek. Each day in the courtroom she stood her husband's trial and also a separate trial of her own. The baby was sick and fretful. Before the stage, at an improvised table in the courtroom, she sat with her husband and the unfortunate Fred Fisher, whose fate had cast him in the roll of felon together with his employer.<sup>4</sup> To the judge's left sat the jury-men, in common household chairs. Immediately to their front had been placed the widow of the deceased Luther Mitchell, and her sparkling and comely daughter, Tamar Snow, both of whom sobbed into their handkerchiefs from time to time. Watching the widow, Louisa smothered an impulse to go to her side, tell her how her husband's deed of anger had wounded her own heart, too. She had always grieved for the Olive men killed in the cattle wars, and prayed for their souls and the welfare of their families. This was the first time she had been required to suffer for her enemies, and to watch the suffering of their womenfolk.

At the left of the jury, in front seats, sat Lawrence (Lum) Ketchum and Sam Ketchum, brothers of the deceased man. They sat stiffly in their chairs, out of place and glum. Both men had hard, mean countenances, Louisa thought as she rocked her baby gently in her arms. They never looked at her.

Louisa had dressed as tastefully as the occasion permitted, wearing a tight-bodied dress of black henrietta with ecru lace at the neckline and a long, fitted skirt. On the table before her rested her alligator bag, its sides bulging with articles to entertain and dress her baby girl. Occasionally she would pass the child over to Aunt Flo, her Negro nursemaid, who sat daily with her at the table for short spells to give Louisa brief rest periods and the time to compose herself. As the damaging testimony came in, Louisa Olive's usually placid and pleasant features were now twisted in distress, her eyes red from grief. The baby frequently sent out wails across the courtroom as though in amplification of the sorrow of its parent.

Harvey and Albert, now 6 and 4, when allowed in the courtroom, amused themselves playing with their father's gold watch chain and beard, which he had grown in confinement. They laughed and chattered like jackdaws, happily unaware of the tragedy in their family which was now being enacted in the courtroom.

James and Julia Olive arrived from Texas before the trial began. They now sat directly behind Fred Fisher, in the first seats among the spectators, watching every move in the court and listening attentively to every word spoken. In an open and unguarded moment, honest old James Olive had given the story of the Olive family's early life in Texas to the reporter for *The Omaha Republican*. This reporter, writing material to sell papers as much as to ascertain facts, published the tales of the murders and killings in the cattle war, making the most of the violence and skimming over the legitimate Texas cattlemen in their struggles against the scalywags, rustlers, and drifters.<sup>5</sup> The reporter's story, though factual in what it told, depicted Print as an irreligious, ruthless, unprincipled man, more inclined to fighting than to social entertainment—almost the opposite of his real nature. It played an important part in marshaling opinion against Print and Fred Fisher.

As the trial progressed, the judge forbid all mention of the murder of Bob Olive from reaching the jurors' ears or being considered by them, ruling it out as "irrelevant and immaterial" and threatening contempt citations and fines upon the defense attorney attempting to spread it on the record. Voicing the opinion of many outside the jury box, the *Nebraska State Journal* editorialized:

If Bob Olive, acting as a deputy sheriff . . . and seeking to arrest Mitchell and Ketchum for cattle theft was killed by them to avoid arrest, then theirs was a foul and atrocious murder.

However, if the sheriff's posse rode up to the Mitchell ranch firing their guns, as has been said, then it was justifiable self-defense. And upon the settlement of these questions will depend the view public opinion will take of the enormity of the crime of I.P. Olive, his employes and his friends, in lynching the unfortunate pair.<sup>6</sup>

The jurors, kept incommunicado from friends or from the public, were not permitted to read the *Nebraska State Journal* with its opinion concerning the trial. The case continued on through the first week in April. The friendly chess games played in the corridors between the contesting lawyers gave no clue to the deadly determination with which each side played for the high political stakes and legal rewards of fame and money in the trial.

Francis G. Hamer of the defense, a big, dark-complexioned man wearing a van dyke beard carefully combed and barbered, analyzed the trial's base during the third week. After a particularly long and bitter attack upon Prentice Olive's character had been made by the prosecution's General Dilworth, Hamer dwelt upon some of the background for the prosecution's desperate need for a conviction.

Never before, said Hamer, had he heard of a Commonwealth making such an appropriation as the ten or twenty thousand dollars to be used to convict a man. Nor, said he, had he ever known of a trial judge asking to be, or being permitted, to disburse such funds at his own discretion. Normally, a judge would disqualify himself for ethical reasons should such an opportunity for personal power arise in his court, Hamer reasoned.

Hamer's words drew a few sharp words of caution from the bench, but Hamer continued, developing the same line of reasoning. Three men, he said, had been indicted for the same crime as the defendants: DuFran, Brown, and Dominicus. Now these three felons were in the pay of the State of Nebraska, trading their immunity, an immunity forced upon them by circumstances and not law, for other

men's lives. Such perjured testimony as they were obliged to give, said the defense attorney, could only be considered worthless in any responsible court in the land.<sup>7</sup> Nor should McNamar, the defense attorney for the two murderers who launched the killings, be considered a fair witness by any measure of law. Should such legal practices be permitted, should they be supported by the judgment of any court in the land, then the future of American jurisprudence was dark, indeed. The defendant had been taken far from his home and its courts to a strange court without his request for change of venue. Why?

"Most honest persons realize," Hamer continued, walking before the jury, "that the Law is only the spoken will of the people. But I sincerely believe that there is a special effort on the part of the State and its authorities in this case." At this point, Hamer commenced to develop the political significance of the trial, a significance that he felt underlay all else.<sup>8</sup>

"As a rule, most lawyers are honest and upright," Hamer stated, now facing Judge Gaslin. "But some may be ambitious for fame and carried too far by the hue and cry of the day." This day, he thought, the hue and cry was for the lives of I.P. Olive and Frederick Fisher. They must satisfy a public hunger for a sacrifice, as in old Rome, a situation that had been created by the trial itself. Hamer warned against the evil of establishing such a precedent. More diligence had been shown, he said, in the effort to prove the necessity for satisfying this demand of the populace than the whole facts and evidence warranted.

"Many prominent men have come forth here testifying to the friendship they feel toward I.P. Olive and his co-defendant, Frederick Fisher," Hamer told the court. "They are not friends because he is a cattleman, but because he is a good man, and is so judged by men who know him best."

Hamer continued to caution against the acceptance of evidence from states' witnesses who had been charged with the same crime, but who now provided testimony, however reluctantly, as did Brown and Dominicus, that had been conceived in the heads of prosecution lawyers. Striding over to the jury box, he brought his full hour's

analysis of the trial mechanics toward an end, saying to the jurymen what he felt in his heart.

"This whole matter has been brought about by cattle thieves. You are far from the scene, and you may be misled by the belief that there is hostility between the cattlemen and the homesteaders of Custer County. This is not so. There is not one iota of evidence that there has been trouble of magnitude between the honest settlers of Custer County, Nebraska, and the legitimate cattlemen using that range. This trouble, I repeat, was caused by cattle theft."

Long before the ten or twenty thousand dollars had been provided the prosecution, Hamer pointed out, every honest lawyer familiar with the case knew that the bodies of Mitchell and Ketchum had not been intentionally burned by Olive and his men. Bion Brown had been instructed to testify that Print's Winchester, the flame from that gun set fire to the coat. Brown's testimony stated he had put the fire out with the butt of his six-shooter, a revolver, incidently, that other Olive cowboys said Brown was not wearing, since it was hanging in the bunkhouse that day. Later, testifying to save his own skin, Bion feared to change the testimony because of threats by the prosecution of perjury. So the hapless cowboy's testimony gave Print the blame to bear, Hamer told the court.

At this point in his address, Hamer asked for a fifteen minute recess. Following a brief rest, the defense attorney again took up his appeal, telling the jury he would digress to develop what he had always considered the most important part in the trial. During the recess he had discussed with Judge Gaslin the importance to his case of mentioning various motives in the case—economic, social, legal, and political. The judge had reluctantly allowed ten minutes in which Hamer's theme on motives might be briefly explored, warning the lawyer to tread lightly on political matters. Hamer being himself an ardent Republican and influential in Grand Old Party circles, the judge felt no great danger in allowing such an excursion into motivations.

Addressing the jury, Hamer began his discussion.

"Let us lift the cover and look into the true facts of why this case has been handled in the unusual manner in which it has been." Hamer's eyes were half closed as though visualizing the matter for

the jurymen to see. He stroked his van dyke as he spoke lowly but earnestly. "First, think of the opportunity this trial has presented to some persons. This is the most celebrated criminal trial ever conducted in the state of Nebraska. For the political-minded, it has presented unusual opportunities. Thurston thought he could go to Congress, following the state-wide publicity this trial would give him. Dilworth can find a place on the Supreme Court bench. McNamar, well, he too would like something of the kind. And there are others involved, those who planned his whole masquerade of a trial—"

Judge Gaslin rapped sharply with his gavel and scowled down fiercely at Hamer. "Counsel will cease from any reference to politics further in the trial matter at hand."

The defense attorney bowed in deference to the court. His shot had come too close to the man who had rustled up ten or twenty thousand dollars for prosecution of this case. Taking another tack, Francis Hamer referred back briefly to the Civil War, the scars it had left on the populace of North and South alike. He spoke of problems that arose for Confederate veterans now living in the north, and the Union veterans, the "carpetbaggers," living in the old South, and all the enmities that the peace had failed to resolve. He mentioned the barrier to understanding erected between the Southern Democrat and the Northern Republican, each party dominated by the hatreds of the old army men within the ranks.<sup>9</sup>

"Now I have spoken long, and must conclude," Hamer said. "I will end on this point: It will be a great thing for some people to say 'I was in the Olive case and we got away with those fellows.' Now Mr. Schofield, the District Attorney, is a young man, well-schooled and a fine lawyer. Pray tell me this—Why must he take a back seat at this trial? He has recently convicted two men for murder, Richards and McElvoy. Why, then, is he made to stand aside in this case? And by *whom*? This trial is important! Why, this was Caesar's opportunity to conquer Gaul! That's why!"

Hamer walked over to the deputy district attorney's desk and placing his hands on the table asked the attorney, "Why, Mr. Ash? Why?" Then he again turned again to the jury.

"A great tragedy was enacted on the Loup. Another tragedy may be made by the officers of the law. It is for you, the jury, to say

whether Mr. Olive, within the next hundred days, shall bid his wife and family goodbye forever, and whether the world hereafter shall to him be a blank for all time. The Militia would not do, remember. A company of Regulars were ordered here to prevent, as they say, the rescue of these men. But it may be they were sent here to influence your verdict as many, many other things have been so curiously done.

"I would only say to you members of the jury: Do your duty. Do it fearlessly!"

Hamer had placed all defense chips on saving the lives of Prentice Olive and Fred Fisher, not on winning an acquittal. It was the most any defense could have done. The defense rested.

When the jury shuffled back into the courtroom the following morning, the room was packed, the prosecution and defense staffs expectant. Judge Gaslin permitted the audience to quiet down before making his appearance, then calmly took his seat and opened his court.

"Have you gentlemen reached a verdict?" he inquired. S.M. Hoagland, the jury foreman, arose.

"We have, your honor," the jurymen said. Noting the paper clutched in Hoagland's hands, the judge nodded to it and asked, "Will you read it, please?"

Hoagland cleared his throat and read:

Of the March Term of District Court, AD 1879

TO WIT: April, 17, 1879

We, the jury in this case, do find and say that I.P. Olive is guilty of murder in the second degree, as he stands. . .

There was a flurry of excitement as several newsmen raced through the crowd to the telegraph office at the railway station to get off their stories on the conviction. The jury foreman was taken aback at the noise and confusion. Judge Gaslin rapped on the bench for order, said to Hoagland, "Please proceed."

Hoagland took up the paper again:

. . .that I.P. Olive is guilty of murder in the second degree, as he stands charged in the Sixth Count of the Indictment.



And we further say the said Frederick Fisher is guilty of murder in the second degree as he stands charged in the Sixth Count of the Indictment, and we further find each of said defendants Not Guilty as charged in each of the other Five Counts of the Indictment.<sup>10</sup>

(signed) S.M. Hoagland  
Foreman

Judge Gaslin gruffly dismissed the jurymen and called a short recess. It was not the verdict he had planned for Print Olive. James Laird moved over to the jurymen coming from their seats and shook hands with several of them. Hamer and Hinman walked arm-in-arm out the door with other jurors.

"You have sorted through a barrel of hog-wash and come out with clean hands," Print heard Hinman say as they passed by his table. Print looked into Louisa's damp eyes, then patted her hand and the head of baby Gertrude whom she held in her arms.

"Don't be downhearted, dear," he said reassuringly to her. "Remember the old saying: It's always darkest before the dawn."

When Judge Gaslin rapped with his gavel, reopening the court, the bailiff brought the two prisoners to hear sentence before him. The Judge made a short preachment to them, telling how little sympathy he had for them and showing little pity in his words. Print studied him closely, seeing only a dour-visaged, middle-aged man with little evidence of a pleasant or kindly nature written into the seams of his face, his mouth pulled down at both corners, his narrow-set eyes conveying a look of hatred toward the cowmen on the floor before him. He was curt and sharp to the defense lawyers as they introduced their Bill of Exceptions and asked permission to file it under the Judge's signature. All incidentals now disposed of, he took from his desk a paper and read therefrom:

It is considered and adjudged by the court here that you, the said I.P. Olive, whose full name is unknown to this court, and you, Frederick Fisher, be confined in the State Penitentiary of the State of Nebraska and there be kept at hard labor the period of your natural lives, and that you,

I. P. Olive, pay the costs of prosecution herein taxed  
at \_\_\_\_\_.

"The figure will be filled in when a complete and full computation of the expense you have brought upon this state is made," the judge said, peering down at Print. It was afterward said, on fair authority, that the trial cost Olive Brothers upward of sixty thousand dollars.

Judge Gaslin then instructed the sheriff to deliver the two felons to the warden of the penitentiary. With that, following the automatic request for and denial of a new trial, Judge William H. Gaslin Jr., adjourned his court, smiling widely at friends and acquaintances in the audience and feeling warm and comfortable within for a difficult task which he felt was well done.

\* \* \* \*

Through the first terrible months of his imprisonment, Print was sustained only by the regular visits of Louisa, who brought the baby, Gertrude, with her. The child, blonde and blue-eyed like her grandfather Olive, was the idol of both parents' hearts, and Print loved the delicate two-year old with all the heart-wringing affection a healthy parent shows for a sickly child that weakens, and for whom they can do nothing to help. Eventually, Louisa came without the baby, bringing little Al along. Though the parents attempted to cover the facts and spare the small boy the truth about his father's incarceration, it was too late. Little Al already understood that his father was not a free man, and the first traumatic experience of several that were to alter and change his life had come upon him. Nor could Louisa bring herself to tell Print of the baby's serious illness.

Suddenly, Louisa's visits stopped for three weeks, only her letters carried the terrible hurt at the loss of their darling baby girl. Within the gray stone walls Print sat in the darkness of the nights more alone than he had ever been in his life. Then after what seemed to be an eternity of time Louisa's visits were resumed again. But now she always brought the four boys.

"I'm not ashamed of you, Prentice, and I dare not let our sons become so," she said matter-of-factly when he objected.

With the resumption of her visits, Warden Dawson, a kindly man,

permitted the pair brief visits at his office. With the privilege of visiting with his wife in private, without the obstructing steel bars between, Print's lassitude left, he worked harder in the prison laundry, soon was assigned a teamster's job on the prison clean-up wagon. But he also commenced thinking of a means to escape from the stone walls that surrounded him. When he mentioned his thoughts to Louisa, she protested strongly.

"No, Prentice, there must be another way. You are no outlaw. Have faith with me. There must be another way. I pray for your delivery every day and night and some time God will hear and answer our prayers."

Print Olive was like most of the cowmen of his day, making no pretentious outward, or public, profession of religion, even smiling at the antics of the "sky pilots" who visited the ranches periodically, yet with a deep and abiding faith in a Creator and a personal guardian angel. The man-made forms of worship often appeared to him as mockery for men and women who held deep and sincere personal feelings of faith and who had learned to follow the Biblical guidance in reference to prayer. Now he chided Louisa for her talk.

"If your prayers get me out of here, wife, I'll have your kind of faith. But you just keep on talking with Hamer and Hinman and see what they can do by Law. They say, 'The Lord helps them that help themselves.'"

The humid summer months came, with a seeming suspension of life behind the prison walls. The loneliness for the family circle swept back and forth across Print's mind like the sand storms that had scoured the many cattle trails over which he had traveled. He hungered for the children particularly, and of course he missed the gentility of the womenfolks of his family and circle of friends. And he longed for the rough camaraderie of his cowboys at the ranch.

Fred Fisher, fifteen years Print's junior, adjusted more readily to prison routine, even finding a degree of freedom from worry about the decisions of life, as he explained to Print. But it was a "freedom" Print could never bear with fortitude, to be at the whims of other men, especially the "screws," those guards and flunkies who found in the prisoners only beings to beat and trim out of their small earthly treasures that somehow found their way behind the prison

walls. Spring duties on the prison farm took Print outside the walls, and the greening earth, the return of the larks and plover, the smell of fresh earth and rain in his nostrils helped him to look forward more hopefully. Surely a human who loves the earth and the animals and the green things on it will not be confined within stone walls forever, he said to himself one morning as he drove his black team and wagon, loaded with the prison's farm laborers, to the fields.

Ira Olive's visits helped, too. Ira was filled with big plans to bring more horses to Loup country, following the catastrophe that had struck his herd when the Indians stampeded the herd of 700 head at Medicine Lodge, Kansas, and drove them back into the Cherokee Strip where they lost 150 head of the best, among them Steel Dust bred saddlestock and the four beautiful spotted ponies that Print had bought the year before and promised his sons. Painfully Print thought of the four ponies, now being ridden, no doubt, by Cheyenne and Arapahoe warriors, ears split and tails chopped and rumps painted, the pride of savages who now had more freedom than he himself enjoyed.<sup>11</sup>

Up the trail with Ira that summer came Marion. He had been with the stampeded herd of horses and spoke fondly of trail work although the drive ended most unfortunately for them. Marion told Print of the settlers now on the range, and more coming. He mentioned the barbedwire, now criss-crossing the old open range areas. Both Ira and Marion talked persuasively of homesteading some new land, buying up adjoining parcels and making smaller ranches, for the settlers were here to stay, they told Print.

Marion planned to remain at Plum Creek, so he told Print. Louisa forthwith permitted him the use of the big stable Print had erected at their Plum Creek home. Marion converted the barn into a livery stable and feed business and made a good living.

Later that summer Jim Whitehead, Sam Carr, and Nigger Jim paid Print a visit. Marion came along, bringing a young friend, Eddie Abbott, with him. Print learned of the quarrel Ira had made with Nigger Jim on the trail that spring, knocking out Jim's front tooth with his six-gun. Young Abbott had threatened Ira and made him leave the colored man alone. Ira rode off in a rage, they told

Print.<sup>12</sup> Print laughed, sympathized with Jim, and enjoyed the review of the row. "Just like old times," he said, grinning at Jim, and Jim showed the toothless gap in a wide smile. Louisa had given Jim a substantial grubstake, since the colored puncher had decided to return to Texas. But with spring he was back on the Nebraska range again, never to leave.

The short visits of the trail men kept Print abreast of the cattle business, lack of range, Texas tick disputes, dangers of screw worms, and the relentless march of the settlers with their barbed wire, and the second year of his imprisonment passed by.<sup>13</sup> There had been a ruling against a new trial which dealt them a hard blow. Then one day Louisa came in high spirits, buoyed up by new developments that promised them another fight in the higher courts for her husband's freedom. Print's spirits soared with Louisa's as he heard the plan.

Francis G. Hamer and Beach Hinman had undertaken a new tack in the legal pursuit of Print's freedom and the reports from Lincoln had come back very encouraging. The lawyers had tested to see whether the Supreme Court of Nebraska would review the case upon their contention that the Adams County court of Judge Gaslin, in which Print was tried, lacked jurisdiction. Another attorney of repute, O.P. Mason of Nebraska City, had been invited to join the defense staff since the illness of John Carrigan, and his untimely death opened the way for another attorney to help make the final plea. That winter the defense staff worked on the brief. Early in December of 1880, the court reviewed the case.<sup>14</sup>

As though in answer to Louisa's prayers, both Print and Fisher were granted a new trial, and the prison doors swung open for them. Outside the gates, Ira Olive and the new Custer County sheriff, Pat O'Brien, who was to return the pair to the court of Judge Boblits in Custer County, stepped from the carriage, shook hands with the liberated men, then took them away to the hotel. The following afternoon, while enjoying his first day of freedom in more than twenty months, Print sat in the lobby of the hotel and read from the *Nebraska State Journal*, issue of December 15, 1880, the following story:

## FREE AGAIN

The appearance of I.P. Olive and Fisher, the two men sentenced to the penitentiary for life nearly a year ago (sic) for the murder of Mitchell and Ketchum in the western part of our state, attracted considerable attention on our streets yesterday.

The Supreme Court, at its recent sitting, granted the two men a new trial and remanded them back to the sheriff of Custer County for safekeeping. Yesterday, the brother of Olive and Sheriff O'Brien of that county arrived in the city and at once proceeded to the penitentiary where they received and brought into the city a man whose name has become as familiar to the people of this country as household words—*Print Olive*.

Olive, as he appeared in the lobby of the Commerical Hotel yesterday afternoon, looked like a well to do farmer. He was pale on account of his close confinement, but otherwise appeared in good health. He was dressed in a neat, well-fitting and becoming business suit, but after wearing the stripes so long, they seemed to rest heavily upon him. From time to time he would shrug his shoulders and twist his body as much as to say, "These clothes do not feel natural." He kept close to the hotel during the afternoon and avoided, as much as possible, the gaze of the public.

He will leave today for his home in Plum Creek and, we understand, will demand a new trial at once, in Custer County.<sup>15</sup>

On the return trip with the sheriff and Ira, Print learned the outcome of the other trials of his men. None had been convicted but himself and Fred Fisher, for which he felt grateful.<sup>16</sup>

Two days later Print and Fred Fisher stood before the desk of Judge Boblits in the old log courthouse at Custer. It felt good to be among old friends and cattlemen again, men with whom he had rubbed stirrups many times on the trail drives and roundups before, men who understood the circumstances of his trial and the conviction. When court was called, Beach Hinman again stood forth as

Print's defense counsel and briefly outlined his case, one so well-known by this time that it had already become a part of the central Nebraska heritage, always, however, with the cowman as the villain. Hinman told of the disposition of the case by Judge Gaslin, of the punishment the two cattlemen had already received. He invited the court and all present to consider the nature of the crime that had preceded the lynching of the two cow thieves from Clear Creek valley—their killing of the defendant's brother, Bob Olive, age 24.

"Do you suffer cattle theft now?" Hinman asked unexpectedly, looking over the bronzed and weathered faces of the spectators. He paused. "There are many, many more settlers here now than in 1878. So there should be many, many more animals stolen and butchered by them. No. You do not. Print Olive's bold action once and for all drove out the potential thieves among the settlers and left honest people to dwell here together—settlers and ranchers—without rancor or strife."

Hinman walked over and took a position beside Print's chair, placed his hands on the shoulders of his clients.

"Had those doomed men, the unfortunate Mitchell and the braggart, Ketchum, kept their hands off of other peoples' property, they would be alive today, safe, respected, treated as friends and neighbors as Custer County folk have always treated one-another," Hinman said heatedly. "But by their neglect of the Commandment of Moses—'neither shalt thou steal and neither shalt thou covet'—they brought this terrible tragedy upon themselves and their families. No one else is to blame."

Following Hinman's statement of the case, Francis Hamer made a brief plea before the court but directed, as well, to the spectators of the scene, nearly all of whom were neighboring ranchmen, their cowboys or lawyers in the case, none of whom had yet indicated that they would make charges against either Olive or Fisher.

"I declare before you," Hamer said, "that if these two men are permitted to go free to their homes and families, with no added charges placed against them, to go and live uprightly, to give their livestock the attention it needs during these great storms presently raging, all in this area will be better served, and justice will have prevailed. For no man among us can bring back from the tombs,

either Prentice Olive's brother or the men from Clear Creek valley, Luther Mitchell and Ami Ketchum, who have joined him in death."

The little room was perfectly quiet. Print looked out the window, where the great cottonwood trees were swaying before the icy breath of the wind. The snow lay deep-cruised on the earth, the waters of the river trickled along now under a half-foot of ice and snow. His mind had turned away from his own problem to the tragedy of the drifting cattle, thin, hungry, dying in the blizzards that had swept the Nebraska range this winter. Only the voice of Judge Boblits brought him from his reverie of sympathy for the doomed stock, the judge's voice asking if there were anyone present who cared to prefer charges against either of the defendants, Olive or Fisher. There was no response from the spectators in the court room.

"This court," Judge Boblits then said, "finding no complaint on the docket against these two men, asks that any person or persons having any charge against them make this charge known at once or forever remain silent." There was perfect stillness in the room. The judge then turned to the prisoners.

"There being no additional charge against you, I order you, I.P. Olive and Frederick Fisher, to be discharged immediately." The judge motioned to the sheriff standing beside the table near the prisoners. The sheriff shook hands with the two men and all smiled. "Print, I'm glad for you," O'Brien said.

The judge dismissed the court, stepped away from the bench, then paused and stepped back before the desk, rapping for silence.

"Print Olive and Fred Fisher," he called out above the din that had replaced the silent room, "I suggest that it is time to enjoy a drink together again, all of us. And I further order that the costs be upon you two!"

There was loud laughter at the judge's little joke and much good-natured back slapping. The judge made a few notations concerning the hearing in the nondescript little notebook he carried, and in which he kept a running account of cattle purchases and sales, expenses for hay, grain, barbed wire, and other items for his ranching enterprise and activities. Concerning the hearting, just ended, he wrote:



STATE OF NEBRASKA)  
COUNTY OF CUSTER) ss

In County Court before E.J. Boblits, County Judge, I.P. Olive, W.F. Fisher, in custody of Sheriff O'Brien, the court finding no complaint on the County docket and no complaining witnesses, the court orders that the prisoners be discharged until further proceedings can be had.

The 17th day of December, 1880.

(signed) E.J. BOBLITS  
County Judge.

Print remained with the group at the Young Ranch only long enough to enjoy a couple of drinks with friends and to discuss the legal aspects of the case with Hinman and Hamer.

"You are free, to all legal purposes," they told him.

After taking hold of every man's hand in a warm handclasp, Print Olive and Fred Fisher mounted their horses and set out on a long lope through the snow to the Olive headquarters four miles up the river.

## Chapter XIX

The Ira Olive family spent Christmas at Print's and Louisa's home. Marion was there, too. Aunt Flo, Louisa's colored nursemaid and cook, prepared a sumptuous dinner, aided by Uncle Arnos, her man. Though the dinner was excellent and it was the first gathering of the Olive family for several years, it was not an entirely enjoyable homecoming and reunion. Print, having been apart from his family, was made fully aware of the varying temperaments of the family members and their individual ambitions. Bob's widow had remained in Texas with her baby. Ira's social-minded wife would eventually split up the balance of the family, Print thought, as she goaded the stolid Ira on to more distant social and financial goals. Ira patiently accommodated his wife, though he still felt drawn to his older brother whom Lou Westbrook Olive now pointedly snubbed; "an ordinary convict," she had called Print behind his back until Ira had threatened her.

The attitude of Ira's wife was carried on through her children, even though Billy, Tom, and Harvey were now all ready to fist-fight every boy in the block who mentioned their father unfavorably. And the internecine ill-feeling had caused them to treat Ira's daughter, Nora, a lovely and talented child, with the usual rudeness small boys have for smaller girls. Frank, her younger brother, drew only their contempt as a "tag-along."

Quite unlike himself, Print was relieved when the dinner was over and the guests had departed. He had felt awkwardly out of place, following his twenty months behind the prison walls, and the calm, self-complacency of the family members irritated him. In his absence his sons had developed a mischeviousness that was foreign to his Texas upbringing. The love for rough-and tumble that had been absorbed by the cow hunts in his generation now was out of place in their peaceful home and was a disturbing influence. Billy, now

twelve, wanted only to be on the ranch and ride horseback. It had been difficult for Louisa to keep him in school. Following Billy's tutelage, Tom and Harvey, eight and ten, were now proficient horse-men but poor at spelling and with terrible table manners which Louisa spent hours correcting. Little Al was now six, and "twice the baby," since Gertrude's death. He had fallen heir to all the pampering of the family and was a lively, bright, blue-eyed child. The baby's absence stabbed at Print's heart like a great knife, and he asked himself if his bold but cruel action against the Clear Creek rustlers might not have been, in some strange manner, responsible for her sickness and death. It was a thought that tormented him and that would not be shaken by the normal processes of reason, the guilt feeling clinging on.

December passed, and with January came good news again. The Olive-Fisher case had been presented before the Supreme Court of Nebraska and the original trial decision, so carefully fashioned in Judge Gaslin's court, was reversed. It was a tremendous victory for Hinman and Hamer, legally and politically, a victory which would within four years help elevate the latter to the District Judgeship and one which added luster to the enviable record of Beach Hinman, defense counsel in 35 homicide cases who never lost a client to the gallows or to life imprisonment! Only John Carrigan, that brilliant star in the legal firmament of Nebraska, who had helped defend Prentice Olive at the first trial, would fail to see his efforts vindicated, death having taken him that previous year. But James Laird's legal contention that Judge Gaslin's court was totally lacking in jurisdiction had stood up before the highest court in the state.

The great December storms had decimated the Olive herds. The ground was now covered with a foot of snow upon which lay an icy crust nearly an inch in thickness. In the ravines and canyons of the land the drifts lay ten feet in depth, the snow so heavy the animals could almost walk upon them. For more than thirty days the grass on the windswept hills had been covered with snow and ice, and the starving animals drifted with the storms, piled up in the canyons and along the stream beds, and froze to death by the thousands. The thermometer remained below zero for many days.

The middle of January, Print rode back to the ranch after a few

days in Plum Creek with his family. It was twenty degrees below zero that night. He found his cowboys busy, but principally in keeping themselves alive since they had not been able to get a wagonload of coal out from the railroad for thirty days. They were chopping up the corral rails and pulling a heavy "drag" over the ground to uncover what "surface coal," the cow chips of the prairie, they might uncover. From the river bottom a few dead cottonwoods had provided them some fuel, but it was strenuous labor hacking off the dead limbs.

Print immediately organized the men. One group was to ride for weak stock and bring them to the river bottom near the ranch headquarters where they could forage for dead leaves and twigs from the cottonwood trees the men had cut down. Another group he put to rustling plum brush from the ravines south of the river for fuel. A third he set to chopping openings in the thick ice where the cattle could go to water. It was touching to see the usually wild and fierce longhorn cattle, now emaciated and so docile from cold and starvation that a man could pass afoot among them as they waited patiently on the river bank to pass down to the watering holes in the ice.

One evening at dusk Print stood at the window of the ranchhouse and watched as a herd of drifting stock passed so near the window he could almost have reached out and touched their snow-covered backs. The freezing animals were oblivious to his presence, or the presence of the ranchhouse itself. The stock bore the brands of the Middle Loup ranchers, Finch-Hatten, Rankin, Miles & Gamlin, Drydens, and Smith & Tee. The first outfit was an English company that had invested \$40,000 on the Custer County range and would have little to show for the money by spring but dead cattle. The bawling animals surged on past the buildings, legs raw and bleeding where the ice-crust had chewed up the flesh until the white bones lay bare to the view. There was a pattern to their drift, Print observed, unlike anything he had seen heretofore in a lifetime of watching trail herds of moving cattle. It was not a gait such as an animal would take on a cross-country trail but rather a swirling movement that seemed to match the snow blowing in the icy north wind. The animals on the outside of the bunch continually worked ahead, seeking to gain a place within the herd that might mitigate the terrific cold from the

wind by bringing other animals between them and its icy breath as a shield. While he watched, Print realized how much an experienced Texas cowman had yet to learn of the cold northern winters. He promised himself that if he were ever again given the chance, he would winter-graze cattle only where some sort of shelter and provision for feeding might be arranged. For as he watched, he saw that even the strongest steers were engaged in a fight for life, the great balls of ice that had formed over their muzzles cutting off their breath, eventually smothering them. Tails, ears, even horns would drop off in the spring from the animals that survived—and there was a belief among some of the cowmen that a frozen-tail cow could never bring a healthy calf.

Print turned from the window, dejected at a scene of misery for the livestock and tragedy to himself and the other ranchers over which he had no control whatsoever.

That winter there had been 60,000 head of cattle on the Custer County range, the brands of Olive Brothers comprising more than a third of them, with the investment representing a half-million dollars.<sup>1</sup> The 3,000 steers sold over the block to defray trial expenses now appeared insignificant to both Print and Ira—but an expense gladly paid to win Print's freedom. The additional \$7,500.00 Louisa had put up from sales of young cattle and from their savings now meant that those cattle were no more lost to them than were the thousands of head of cattle piled up in the ravines and canyons of the Custer County range. As they had taken from their fortune on one page, Nature had taken away from the other side of the ledger. That he would be broke, Print had realized while in prison, for no man could pay such heavy legal fees and expenses. At that time he had thought so strongly of leaving the Nebraska range that he had transferred his IOOF Lodge card to Dodge City. Again he reconsidered a change, recalling the lovely range in Sawlog Valley and on the Middle Fork of Walnut Creek and the Smoky Hill Valley. Any one of the three locations would be better than the frigid Nebraska plains country, he decided.

When the weather had moderated, Print rode back to Plum Creek to send out supplies and see the family again. In a recent copy of *The Dodge City Times* he read the following:

I.P. Olive, somewhat famous in Nebraska criminal history, has lost 7,000 head of his herd numbering 20,000 cattle.

Print grunted. He could not appreciate the unnecessary editorial opinion of himself expressed in the brief story, but he granted the approximate truth of their figures. Sixty percent of their weak cows with calves on them had perished. Thirty percent of the pilgrim steers, new on the northern range, died with the cows and calves. Yet the thought of pauperism and bankruptcy failed to impress him as did the statistics of suffering of the livestock which he had seen with his own eyes. But he was not in debt, yet. He had not borrowed at the banks like many of the cattlemen who were now finished. With his freedom, and with hope, he would again recoup his fortune in the cattle business, go it alone if necessary, with just Louisa and the boys to help him. The thought was appealing to him, stimulating him to a new effort.

In February the ranchers on the South Loup met to elect a roundup captain and to set a late spring date so the weak cattle might recover flesh before being gathered and worked. They set a date of May 25 for the roundup to begin. Print had secretly hoped for their vindication of his action against the rustlers who had stolen from all of them on the Custer County range. He felt his winning of freedom in the Custer Court, without added charges being brought against him, while important, was only a partial vindication by his fellow ranchers. So he had hoped that he might be elected captain of the roundup, a task that paid little and was filled with responsibility but was always accepted as a signal honor for any cowman. He knew, however, with such reliable men available as Coble, Kilgore, Pancake, Granger, Miles, Andrews, the Finches, and others, that he should feel little regret if his name was not chosen, for all were top cowmen and knew the range as well as he did. But the shock came to Print when by unanimous choice they picked his brother, Ira Olive, for the chosen position.

To Print, the choice not only seemed a repudiation of his leadership but total non-recognition of his own personal sacrifice, made for the benefit of all. Deeper than his own personal hurt was the wound

in his heart as he thought of the loss of his brother, Bob, sacrificed for a handful of men who did not even say "Thank you" for the gift of a fellow man's life in their service. An old adage, grubbed from McGuffey's Fifth Reader, or taught him by Fred Wade, came back to him: "If you are looking for 'gratitude,' see Webster's Dictionary."

When he spoke with Ira about the matter, he could not follow Ira's logic. "Why Print," Ira told him, "the very reason they selected me was to pay credit to you and Bob—to show their confidence in our family. After all, you couldn't expect them to elect to such an important position an ordinary exconv—" Though Ira caught himself, Print understood. The captaincy was never mentioned again between the brothers.

The roundup worked through June and July, Print, as usual, taking charge of the Olive wagons. Once again he found pleasure and contentment in the association of the rangeland cowboys, most of whom respected him as a man of conviction, a game fighter for his rights, a generous boss. The antics of cowboys always amused Print Olive and he was frequently involved in them. The very presence of such cowboys as Rattlesnake Alph Barnes, Arkansas Bob, Billy America, Johnny Finch, Sam Sweely, Cap Stuckey, Johnny Wheat, Barney Armstrong, Nigger Jim Kelly, Virg Allyn, Anton Abel, Al Wise, Jim Farley, Billy Kessler, John Daugherty, John Carney, Bert Wilder, C.W. Stern, Charley Peterson, and Charley McGinty insured that there would be many laughs before all the throw-back had been taken back to the home range and the work on the range was over for that year. The last mentioned cowboy, McGinty, was a favorite of Print, a top cowboy, with the artless simplicity of a child. One day along the Dismal range in July, with the weather like a furnace from hell, the air hung with a cloud of dust, and the men surly and provocative in the heat, Print sat his horse watching McGinty bring an Olive steer from the herd of thin cattle. When the cowboy had brought the animal out into an Olive cut, a Finch-Hatten rider moved in, put the steer back with the big herd. Print clearly saw the Finch-Hatten brand and realized that McGinty had made a mistake in reading the brand on the shaggy animal. Wanting some fun, Print ordered McGinty to bring the steer out again. "He's wearing an Olive brand, ain't he?"

Once again McGinty rode his sorrel cutting horse into the herd, brought forth the steer. And once again came the Finch-Hatten rider, this time shaking his fist at McGinty, and turned the animal back. The action pleased Print and he shouted to McGinty.

"Go bring him out again, McGinty!"

This time McGinty rode over to Print's side, his horse panting and perspiration rolling out from under the cowboy's hat band.

"Mista Print, I don' believe I ought try that again," McGinty said.

"Why not? What's the matter? That's an Olive steer, isn't it?" Print asked, feigning sincerity.

"Well, maybe that *is* an Olive steer, Mista Print, but I tell you that man's *mind* is stronger than *mine*!" McGinty replied. The story became one of Print's favorites.

When McGinty joined his outfit for the roundup, Print was amazed at the bedroll the young cowboy carried. It consisted of only an old and worn Prince Albert coat and a fishtail slicker, reminding Print of the scarcity of bedding among the cow hunters when he was a boy. Most of the cowboys on the northern range carried a good 14-ounce weight tarp, together with blankets or sugans. One night McGinty asked the wagon boss permission to sleep in Barney Armstrong's bed, since Barney was on night herd.

"Where's your own bed?" Print asked.

"Them fellers hid it somewhere," McGinty answered.

Print started a search for the missing bedroll. He soon found it—of all places!—neatly hidden between two sacks of flour on the chuckwagon!

"The men shouldn't tease you this way," was all Print said, inwardly laughing at the happy-go-lucky cowboy whose total bedding could be concealed between two bags of flour.

On the upper stretches of the Dismal they met the men coming down from the North and Cody spread, the Keystone and from Bratt's northern range, Buck Taylor, Dick Bean, George Bosler, Jerry Drummer, Johnny Burke, Lew Parker, Billy Rix, "Little Jim," the Bratt wrangler, Billy the Bear Iagger, Nibsey Meiggs, Len Cornet, Happy Joe Atkinson, and Marion Feagin. They were a jolly bunch with John Bratt, boss herder, riding along with the wagon. With these men the range lying between the Dismal and the



Platte was worked east to Fowler's ranch at the head of the South Loup, to Broken Bow and Plum Creek, and back to Olive's ranch on the South Loup, on Spring Creek.

When the roundup reached the Muddy Creek flats, the Olive wagon camped at the sheep ranch of Ed McClure. McClure was a well-known frontiersman who had cooked on the roundup several years and found favor with the cattlemen though he was in the sheep business.<sup>2</sup> That night Andy Pancake suggested that McClure shave the cowmen, since there was not a razor in the wagon, and none had shaved since the roundup began. McClure hesitated, appeared unwilling to act as their barber. Finally Print understood the sheepman's reluctance and stepped forward, extending his hand. "You remember me, Mr. McClure?" he asked.

"Of course, Mr. Olive," McClure responded, taking his hand.

"I would appreciate it greatly if you would shave me, too," Print said in a friendly manner.

"If you hold no grudge, I'll be glad to shave you all," the sheepman said, "and free of charge."

McClure and Print exchanged a smile. The others said nothing, not understanding that McClure had been one of the volunteer guards stationed over Print Olive and his men when they were first held at the Kearney jail.

When the shaving was finished, Print Olive and Ed McClure, the former an "unreconstructed Democrat," the latter a "black Republican," again took up the political discussion they had entered into during a long night at the Kearney jail. Both men now had more confidence in the other, especially when McClure had concluded shaving Print's throat with the keen-edged old bone-handled razor and called out "Next!"

The longer the roundup continued, the more heartbreaking it became to cattle owners. Every ravine and gully gave up its full share of dead cattle. Many had been skinned by the nearest rancher or settlers, the hides being indiscriminately taken since there were plenty of them for all. The spring had been dry and many cadavers with the hides still on were as hard and dried as mummies. Some emaciated corpses still stood upright on stumps of legs, remaining in the position in which the melting snowdrift had finally freed them.

The hot July winds blowing through their long winter coats that clung to the dead bodies even now made them appear as though alive. And many a cowboy rode out of his way that year to check such a cadaver, mistaking it for a living animal!

The gray lobos, those fierce, big wolves that had drifted south with the dying herds, were now sleek and fat like their distant cousins, the coyotes. Both predators had dined well that winter on the weak animals, no longer able to fight off an attack, and through the early spring on the fresh frozen beef that now lay "cured" and tasty to their palates. When the pitiful roundup was completed, Print returned with the wagons to the South Loup headquarters. Ira rode in a day or two later. Together they tallied their count with those brought in by their "reps" from other ranges. It was a depressing audit. For of nearly 10,000 head of cows with an expectant increase of 6,000 head of spring calves there were less than 4,000 calves left! Of the steers, 5,200 head had survived of an original fall tally of 6,650 head. Of their estimated 1,100 head of range bulls and young bulls, fewer than 800 head were tallied, though it was hoped that some might be regained together with mature steers from ranges farther south where they had drifted with the storms. Approximately 6,000 head of cows survived.

Of their cattle on the range that winter of 1880-1881, about two-thirds had survived. It was not a cheerful tally. The logical time had come for Olive Brothers to dissolve their partnership, to get out of the risky business that was now threatened by Nature, the homesteaders, and the natural dips and dangers of the market. Since neither Print nor Ira was in a position to buy, they agreed to look for an outside buyer.

In the late summer, 1881, Print made a business trip to Dodge City. The old cowboy capital was in the commercial doldrums, but it looked to him better than Plum Creek. Though he had deposited his Odd Fellows card with the Dodge City lodge in 1880, he had taken it out again to affiliate at Cozad, Nebraska, the closest organized lodge to Plum Creek. Once more he mingled with lodge brothers of olden times, for many of the Dodge City men were from Texas and it was a great pleasure to associate again with such ex-Texans as H. M. Beverley and Martin Culver, and such other cowmen as broth-

ers Tom and Bake Hungate, Chalkley Beeson, Bob Wright, Doc Barton, another ex-Texas man who frequently rode in from Pierceville, where he ranched. From the range on Wolf Creek, Sim Holstein, still another Texas man, rode in, as did Hi Kollar, Wash Mussett, and others Print had known in the past.<sup>3</sup> All talk was of cattle and cattle range. Returning a week later to Plum Creek, Print was aglow with the possibilities of enduring free range on the Smoky Hill River where a cattle pool was now being formed. South of there, on little Sawlog Creek, he found a small but respectable ranch property that could be purchased and whose deeded land on the water was backed up by a large area of government range to the north. Control of the water meant control of that good, buffalo grass range as well, a range that rolled as far back as a longhorn would walk daily to water, anyway.

In the cattle pools, recently forming, range was shared in common, officers were elected by the group, drift fences built from a common fund, drift riders hired to keep cattle back on the proper range, and range detectives hired to discourage rustling. It was the plan that Print had been thinking about for several years but had not been able to put into effect. The organization could be directed toward growing better beef and sharing available range, each cowman putting on what ever number of cattle he desired, compatible with the interest of the other members. When Print so enthusiastically told Louisa of its promise, she too became inspired with the move.

Though the winter of 1880-81 had been an unusually bitter one and the following winters of 1881-82-83 only milder by comparison, the homesteaders poured into the area that spring, willing to take a chance on hard winters, roaming cattle, or drought in order to secure to themselves a small piece of the earth. In June of 1882, Print was called to Texas by his father's illness. On July 10 they laid old Jim Olive to rest in a place reserved between the graves of his two sons, Jay and Bob, with a place beside him for Julia Ann when she was ready. All were buried in the old Lawrence Chapel Cemetery.

Print, Ira, and Marion all heard the kindly words fashioned by the preacher to fit James Olive's particular life, not the customary sermon he used, "in my Father's house there are many mansions."

The old minister this time told of the great vision seen by the early Texas pioneers like Jim Olive who had elected to settle on a wild frontier to raise their families, and how they had fashioned the annals of Texas in all its greatness and promise for the future. He spoke of the tragic war, of the maelstrom of Reconstruction, the period so fresh to Print and Ira, and of the time when fathers like James Olive encouraged their sons to catch and mark the wild cattle of the brush and later trail them to the northern markets.

"These cattlemen lifted Texas by their bootstraps," said the preacher, "bringing gold coin and new hope back to a poverty-stricken land where the pall of business and farm depression lay like a cold, dead hand upon every man, woman and child in the land."

There was more, much more, along the same line of thought, and as Print stood by his father's graveside he could not help but lift his shoulders a little higher to know that he and his brothers had also participated in this great movement of men, horses, and cattle up the long Texas Trail that reached to and beyond their ranch on the Loup and Dismal rivers. He had a feeling of humility in the face of his father's death, yet an exaltation swept over him as he called from memory his own turbulent life, commencing with the childhood job riding the bell mares as the vaqueros searched the thickets for wild cattle, the type of life the minister had so vividly re-created in words for the mourners.

"Father will have good care now," Print told his sobbing mother, and he realized for the first time in his life he was witness to his mother's tears, as he accompanied her up the lane to the old Olive home.

As he rode northward again, this time on the railroad cars, bringing fourteen carloads of grade cattle and some purebred Texas Durham bulls to his Sawlog and Smoky Hill ranches, Print thought of the vast changes that time had wrought in the Great Plains country as well as within himself. He had kept faith with his brothers Jay and Bob, and their slayings had not gone unavenged. But now the rules of the game of Brotherhood had changed, just as the rules of the free range were changing. No longer could a man revenge himself upon slayers of his kinfolk without trouble from the new law that had been established on the frontier. And no longer was he

expected to. Where the law of the range, "you treat me right or we'll have trouble" backed with a six-gun, formerly kept the peace, now lawyers were busily engaged rewriting all the rules of the game. Once, men had resorted to the form of settlement called the "Duel" as his father told him. When an act of Congress changed that method of settlement, the "quick draw" became law. Now it appeared that method was obsolete, and perhaps the wearing of a six-gun was as outmoded as Louisa insisted it was. The changes in the free range were also so vast and difficult to comprehend that the cowmen no longer stood able to contest seriously with the settlers who lived on the land three years and were rewarded with a receipt to the property by the government. It had come time to change his business practices to conform to the new ways, and the Cattle Pool now appeared the modern way.

Before leaving Plum Creek, Print and Ira had talked with the representative of the newly-formed cattle company, Sawyer, Hollis & Company of Boston. The company was entering the cattle business in the west and wanted to purchase going properties on the Loup River, the representative told them. He had talked with the Finch-Hatten interests and it appeared they too, would sell. When Ira returned, a few days ahead of Print, he contacted the Boston buyers again. The Olives now claimed 11,500 head of cattle "range count" on the Custer County range. A sale was made by Ira to the new group, the company paying for somewhat less than what the "range count" included, and when Print returned all that was needed was his signature on the papers. The Olive brothers kept approximately half their cattle stock, letting all their brood mares go to the new firm.<sup>4</sup>

Ira had selected a ranch site on the Platte River bottomland, south of Plum Creek. He purchased land, made himself a more compact operation, and a highly profitable one. In September, Print moved his frozen-tailed herd together with some young, thin stock he had purchased, to Kansas, planning to hold them along Sawlog Creek, on the ranch property he had purchased while visiting at Dodge City. In addition to the Sawlog property, Print had purchased in Louisa's name a 40 acre plot on the west edge of Dodge City in a lovely, spring-fed meadow.<sup>5</sup> On the east side of the meadow, near the old

Santa Fe Trail, which was still in use by emigrant wagons, he had a good two-story frame home erected and a large barn at the rear with stout pole corrals. A well was dug, a windmill erected, and a water storage tank put up to provide running water into the home. When the buildings were completed, Print moved his family to Dodge City. Here, he planned to sink his deepest roots.

That fall Louisa started the boys off to the Third Ward, or Boot Hill, school. Professor Groendyke presided there with a firm though fair hand and the old-fashioned hickory rod, keeping order among the larger boys, maintaining the building, helping the townsfolk with their respective educational problems, assisting to meet the financing of the school system, and participating in most of the civic affairs. Annie Sippel, a comely and competent young lady whom all the Olive boys learned to respect and love, taught all grades. She, too, exercised the necessary iron discipline required for lively youngsters like Billy Olive, Merrit Beeson, Bob Rath, Harvey and Tom Olive, and the other boys of the town. Louisa started the boys at the Baptist Sunday School.

With his family comfortably situated, Print threw himself into a host of new activities at the Smoky Hill ranch and on the Sawlog. The Sawlog ranch buildings were grouped in a good stand of second growth timber, the original timber having been logged off by a company of Colorado troops to build Fort Dodge about 1863-64. That operation had given the creek its name. The Texas cattle trail, now re-formed westward, had passed the ranch near its southeast corner, a million Texas cattle's hooves cutting deeply into the buffalo sod at this point, and winding up into Lane County.

That previous year when Print had decided to join a cattle pool on the Smoky Hill River, he had met and was impressed by W. A. Sternberg, manager of the Rochester Land & Cattle Company. Sternberg introduced Print to Noah Chenoweth, E. A. McMath, and others who were backing the Smoky Hill Pool. Print was invited to enter the pool which claimed thirty miles of the Smoky Hill River in lower Gove County, a strip approximately twelve miles wide on both sides of the river. Indian Springs, Grannal Springs, and the Smoky Hill provided the watering spots. A drift fence was to be built down the entire south side of the river, Sternberg said.

By the time Print had his family located in Dodge City, the Smoky Hill Pool was oversubscribed in cattle and the membership closed.<sup>6</sup> Print was disappointed to be left out, but Sternberg told him of another pool organizing. It was known as the Forrester Pool. The cowmen met at Big Spring, near the freight road crossing of the Smoky Hill River at the Gibson post office. Those present represented an initial 4,000 head of cattle, which was soon doubled, Print being allocated 900 head of the young cattle he had held on the Sawlog. He now held an additional 800 head of stocker cattle on the Sawlog and a bull herd which he kept separate from the cows through the winter on a section of land he had purchased north of the creek in Hodgeman County.<sup>7</sup>

Plans were being made to construct a drift fence for the Forrester Pool that would commence four and a half miles down the river near the Joseph Middleby ranch. The fence eventually ran west, and at a point two miles west of the settlement, where the town of Utica was built, it turned south, then west again to the Smoky Hill Pool's drift fence which came down from the west, also paralleling the river.

South of the Armstrong Crossing, at Gibson post office, and west about three miles, Print found the location he was seeking for his ranch.<sup>8</sup> Between a high, round-topped hill to the south and a lower range to the north, he found a fine, free flowing, deep spring of clear water sufficient to water all the cattle he would put on that range. A few small cottonwood and hackberry trees grew near the spring, the waters from which tumbled down the gentle slope into a natural basin which drained northeastward to the river. Print came back in a week with laborers, stonemasons, building materials, and all the tools needed to wall up the spring, deepen it, and carry its waters off through an inch-and-a-half water pipe so the thirsty cattle would not trample the spring. Over the spring he had built a large well-house, an excellent place to store milk, butter, eggs, and other foodstuffs the family would need while staying on the ranch in summertime.

A hundred feet to the west he marked out a rectangle on the side hill where the house was to be built, a limestone building with roof of wood construction and heavy wood shingles. On the round-top hill he had enormous cattle sheds constructed from good white pine

lumber hauled out by freight wagons from WaKeeney, a village thirty-some miles northeast of the ranch.

The Smoky Hill ranch shaped up beautifully, the cottonwood windbreak being planned at the springs, a natural shelter afforded by the hill range and the great sheds available for blizzard weather of wintertime. Print could hardly wait for spring to come so the family could be with him on the ranch. In Dodge City, Louisa was happier than she had been for years. Away from the bickering relatives, she now felt the freedom to go ahead with her own plans. Dodge City, the wicked old cowtown of the late '70s, had slowed down mightily with a decrease in the Texas trail herds and fewer of the Texas boys to be drawn into her brothels, saloons, and dance halls. Much of the worst in the sporting element had departed to greener fields, only the hardier plants like Luke Short, W.H. Harris, and their kind staying on. The old redlight section "south of the deadline" had almost died from inactivity, though the big dance hall of Tom Nixon and many saloons remained open for business as usual.

The spring of 1883 a "reform administration" was elected. Ostensibly under the leadership of Larry Deger, but with the hands of G. M. Hoover, Bob Wright, Ham Bell, H.M. Beverley, A.B. Webster, Mike Sutton, and other Dodge Citians showing, a "war" soon broke out between the saloon factions, Short and Harris objecting when they were closed up and others remained open. The new administration, with little legality and poorer logic, at once drove Luke Short and other gamblers from the town. Harris, vice-president of the bank, wouldn't run. Short at once petitioned Governor Glick of Kansas for a redress of grievances. Glick's actions brought the matter to the attention of the state papers. Those organs forthwith proclaimed the vast changes taking place at Old Dodge, and the anguish it brought to the Dodge businessmen, principally the saloon-keepers, was sad to see. One paper wrote:

For the first time since its existence, Dodge City had last Sunday the semblance of Sabbath. All business houses and saloons, dance halls and gambling halls were closed.

There is universal rejoicing over this and it is felt that



all measures of reform as contemplated by the City Council will be carried out. Many of the gamblers and prostitutes are leaving, most of them going to Caldwell. Now if Caldwell could be reformed!

But the Bibulous Old Babylon of the plains had a few kicks left in her as the next few weeks showed. Luke Short soon produced his hole cards, a whole pack of them in fact, in the persons of Wyatt Earp, Bat Masterson, Charley Bassett, Frank McLain, Neal Brown, and himself, joined by W.H. Harris and Billy Petillon, who still remained in Dodge. Masquerading under the banner of "The Peace Commission," these old gunmen stalked the town for a few days until Short could return and the saloons and brothels again be opened by "popular acclaim." Despite the efforts of Wright, Beverly, Ham Bell, N.B. Klaine, Bobby Burns, the police judge, Dr. T.L. McCarty, Mayor Deger, Sheriff George T. Hinkle, and many others from Dodge who had backed them, Luke Short made his triumphal return and set up behind the bar of the Longbranch again, which he and Harris had bought earlier from Chalk Beeson. The six-guns of Earp, Masterson, and Short were still Law.

When the members of the "Peace Commission" had made overtures to use the Olive home and barn west of Dodge as a point for their rendezvous, prior to their "march on Dodge City," as they had earlier planned, Print, taking the good advice of Martin Culver, flatly turned them down.<sup>9</sup> It didn't set well with the "Peace Commission" members and later, while awaiting his father from the steps of the Longbranch, little Al Olive, now about nine years old, saw "Uncle Billy" Tilghman, as the Olive boys called the friendly lawman of Dodge, slap the face of the redoubtable Bat Masterson when Bat was said to have made a caustic remark concerning the use of the Olive barn being denied them in their "ride on Dodge." Print Olive never knew of the incident until much later. But it would not have affected his decision to stand by the elements in Dodge wanting law and order and less of the saloon life to which it had become inured. With others—men from both of the once-warring factions—he joined the local militia unit, called after the Governor "The Glick Guards." Pat Sughrue captained the group; James H. (Dog)

Kelley was named lieutenant. Dr. S. Galland, Neil Brown, C.E. Chipman, W.H. Harris, Billy Petillon, Luke Short, Martin Culver, Bill Tilghman, and several others manned the ranks. When Master-son and Earp and their cronies left town the middle of June, after having Conkling, the photographer, snap their likenesses, the "Glick Guards" had their group photo taken and the great Dodge City War, in which not a single man was shot, ended. And all were glad of it.

Louisa, active in church and school work, worried over Billy, now 15, who had followed the "war" big-eyed. Print assured her a summer's work on the ranch would change him. "Boys are all alike, wife, searching inside for the men they want to become." But Billy was the exact image of his father, Louisa knew, with the red tint from their Indian ancestry glowing through his swarthy skin. His "widow's peak" fell exactly as his father's; his shoulders were always erect; and he walked with the same, springy, bowlegged gait. Both Billy and Print were in their best element when mounted, and Billy had won the approval of neighboring cowmen with his expert roping of a lobo that had bothered the herds, "walkin' it to death" they had called it. Print once showed Billy the trick of roping the fleet-footed antelope—always faster at a short distance than most saddlehorses. "Get them unexpected, on a downhill run," Print told him. "Ride on to them fast—you just get one trial loop."

But Billy made his gravest error when he dismounted, tried to tie a young antelope as he would a calf. Back home at the corrals he appeared with almost all his clothes stripped from his body from shoulders to boot tops. The sharp hooves of the little animal almost ripped all his clothes from his back—and front! And everyone laughed—but Billy. It took several weeks for him to heal the scratches and bruises received in this encounter.

To add to Billy's adolescent complications, he fell in love! Her name was Harriet Emmaline Upjohn. Everyone called her Emma.<sup>10</sup> When her mother, the widow Upjohn, married Timothy Armstrong, a Union veteran, they moved into the sod house built at the Smoky Hill rock crossing by Forrester brothers, the cattlemen after whom the Forrester Cattle Pool had been named. The Armstrongs then proceeded to homestead Forresters out of their soddy and some of their range land! Despite what should have been the basis for a good

cattleman-settler war, the two groups got on famously, each helping the other as good neighbors should do. And peace reigned there for many years.

The Armstrong home was on the north bank of the river, just west of the crossing. The place soon became known as Armstrong's Crossing and the post office they established there was named Gibson. It was made official on December 30, 1880, and was located in Trego County, being discontinued August 15, 1893.

Billy Olive's folks had their ranch south of the river and about three miles west of the crossing. Both Print and Louisa watched with true parental interest and enjoyment as their eldest son became aware of the loveliness and femininity of the pretty Emmaline. Both youngsters were fifteen that summer and both were healthy, intelligent, innocent, and eager. Emmaline had an almost irresistible tilt to her little pug-nose, and it wrinkled happily at the bridge when she laughed. Her hair and eyes were dark brown, her skin smooth and pink. She sang well—and frequently—to Billy's enjoyment. But most important of all, she loved Billy. It was an innocent, first love and one which he shared from the beginning.

Billy was a strikingly handsome youth, always clean, his round face "well-soap'd and watered" as Louisa spoke of it, his ears pink and shiny. He had an ample amount of coal-black hair which he kept carefully combed after he met Emma. Billy wore good clothes but he had been taught to be polite and friendly toward those who could not afford to dress as well. Louisa enjoyed this summer at the ranch, watching her oldest son develop from a child to a young man. And she enjoyed helping Emmaline, whose life was not an easy one.

The Olive home at Dodge City was cared for by Uncle Sam, a lanky colored man whom Print had once taken on as handyman and who had worked himself into Print's affections until he had replaced Nigger Jim Kelly as Print's colored friend. The loyalty of Sam knew no bounds and he was taken everywhere with Print, on business trips as well as on the trail trips which had become fewer in late years. Uncle Sam was never referred to as "Nigger" Sam by any member of the Olive family. He had simple quarters back of the Olive home in a separate house from Claudia and Flo, the two colored women who went to Dodge City with them.

West of the Olive town home was the pleasant meadow where Print turned the saddlehorses to graze. There, Old White Flanks, now honorably retired, spent his final years. He was seldom caught up and rode, chiefly then only to show visitors that the old fellow (he was in his twelfth year) could perform as well as ever before at roping, or cutting out cattle or horses. A ringbone had finished his useful years.

On west of the meadow was the hilltop of the new Maple Grove Cemetery, where Print and Louisa had selected a good-sized plot where their family might one day rest, overlooking the beautiful Arkansas River valley and their own home.<sup>11</sup>

With the three enterprises now under way, the Dodge City home, the Sawlog and Smoky Hill ranch operations, Print commenced to plan for a horse ranch on the Middle Fork of the Walnut Creek, between the county line on the east and the old Texas Cattle Trail over which he had made several trips to Colorado and Nebraska with longhorn cattle in the old days. His horse brand, a Heart, revealed a tiny bit of the sentimental side of the cowman whom everyone regarded as hard as nails. It was a small heart, fashioned on the left shoulder or the thigh. His cattle brands, the Lucky Seven, the L for "Louisa," the old IPL and the IP, now appeared on thousands of head of cattle in the region. In addition, Print had bought up a sackful of other brands, the JPW, JPT, JPH, JPA, and a Mexican brand, the *embarazada*, or "woman with a child," a crooked iron that could mean anything, at least to the inexperienced eye of a Yanqui, but regarded as a "lucky" brand.

Print was soon invited to membership and became active in the Western Central Kansas Stockman's Association, organized at Sidney, in Ness County. Gross Longendyke of Hodgeman was elected president; M. G. Cowles of Riverside, its secretary. Print was invited to stand for directorship in the group and was accepted. Following his election, he began to appear more around the country, visiting with other stockman and learning of their common problems. These visits gave him an opportunity to buy, sell, and trade, and he became most active among the cowmen of the area.

On one trip he met Chalkley Beeson, an old friend, who had a good ranch on the Sawlog. Beeson told Print of a butcher in Dodge

who was interested in opening a retail market. The prospect of a grower-to-retail-shop intrigued Print's business sense, and he talked with the butcher, O.G. Searcy, when next in town. The man was an ex-cowboy and won Print's confidence, the meeting culminating in a business partnership being formed in the market, and, as was the custom among the old-time cowmen, without so much as the scratch of a pen. A building was leased from Victor Carson, well-known Dodge businessman and rancher, who had introduced the two men. Print would supply the beef from his Sawlog ranch; Searcy would operate the retail market. The profits, after each member's expenses were deducted, would be divided fifty-fifty. Print put up the initial cash to lease the building, Searcy hung out their sign reading:

Olive and Searcy  
FRESH MEATS

To Print it appeared like an ingenious method of merchandising for that day, bringing meats directly from the producer to the retail store, where the product could reach the consumer without passing through brokers, packers, and other middlemen. It furthermore presented Print with the opportunity to cultivate the acquaintance and friendship with the other Dodge City businessmen. He felt that he had now put his roots down deep, and to stay, in Dodge City and the western Kansas area.

## Chapter XX

The years 1883-4-5 were some of the busiest ones of Print's life. With the two ranches to operate and the horse ranch on the Middle Fork of the Walnut now well along in the planning stage, he had much detail to occupy his mind. The Market in town required some little time each week to select and bring to Dodge the required beef on the hoof. The cowman's association required much of what had formerly been his free time. So his life took on a new character, that of being a combination cattleman-businessman-traveling man. And it left little enough time to be spent with his family. But to be busy, satisfied his dynamic nature and he was completely happy.

On September 8, 1883, he attended the Stockman's Convention at Sidney. While there he negotiated with Miner brothers for the purchase of 230 head of mixed cattle which he put on the Sawlog range by September 29 for his market beef.<sup>1</sup> The previous March he had sold 300 head of the half-blood native steers and some Texans off the Sawlog, earning himself a nice profit. He foresaw lower cattle prices, so on that occasion he had offered 700 head for sale, but without finding buyers, a contributing factor to putting himself into the market business with Searcy. He now formulated plans to put all of these cattle to winter on the Smoky Hill range, in the Forrester Cattle Pool, since grass was good on that range.

The Sidney Convention that year concerned itself principally with discussion about the movement of Texas cattle across the Kansas range. The fear of Texas fever was great, even among the ex-Texas men who now ranched in Kansas. Some little discussion was also given to the beef market, low as it now seemed to be, and a movement was launched by some cowmen present to halt the incipient rustling that had occurred on their ranges. Print sagely kept out of the latter talks, though he did take personal action to recover some horses that had been stolen from him on the river range.

Back at home after the meeting, Louisa proudly observed a news story concerning her husband which had appeared in the *Kansas Cowboy*. It was the first complimentary word she had seen printed about her husband for several years, and she read the story aloud to him:

I.P. Olive was at the Convention this week. Mr. Olive has a fine ranch on the Sawlog which is stocked with 1,000 head of cattle and several head of horses of his own.

He is a sagacious businessman and a successful stock-grower. While here, he received a horse that had been taken up by a resident of this county which had strayed from his ranch.

Louisa embraced him as she finished the story, then nestled her face against his coat lapel.

"It's about time somebody recognized your abilities and your good inner qualities as I know them," she said, "for it makes me ill to have them always stressing your troubles. I'm right proud of you, Prentice. I've always been proud of you. And you've done so well—all by yourself, too, ever since you were a little boy!" She kissed him on the cheek. "But what's this 'strayed horse' business all about?"

Print grinned boyishly under all the attention and his face flushed a deeper red. "We won't talk about that, wife," he said, nodding to the doorway around which peeked the faces of the three youngest boys. He had long since decided to make no issue of thefts, either of horses or cattle again. He had his own horse back, that was enough.

"I'm glad you settled it peacefully," she whispered up to him, "and got your animal back." As her hands slid down from his shoulders they rested for an instant on the gun butt at his hip. The smile left Louisa's face, and she turned, sending the boys scampering off to bed. Then she turned again to Print.

"Dear, I have another clipping I would like to read to you?" she said questioningly.

"Read away," he urged her, slipping his belt and holster from his hips and hanging the gun on the chairback. Louisa read only a few sentences of the clipping until he recognized it as the story he

had read previously in the *Caldwell Journal*. It was a stinging attack on some cowboys who had raided the town of Hunnewell some days before. The town had been hurrahd in best cowboy fashion, causing much anxiety among the townsfolk. It was nothing new to Print. He had done the same thing himself, in Abilene, fifteen years before. Louisa, reading from the news item, told of the arrest of the cowboys by the sheriff. Print nodded agreement. The custom hadn't changed since old marshal Tom Smith had arrested him and his several young friends, Print thought, fining each of them five dollars and then inviting all over to the Alamo Saloon to quaff a friendly glass of beer with him. No bad feelings, one way or another, Print remembered. Louisa continued to read:

It is wise and forward-looking on the part of the many cattlemen to outlaw the carrying of arms, especially the dangerous weapon known as the six-shooter. . . Take off his deadly weapons and it will become easy for the cowboy to remain a gentleman, humane in his feelings and practices toward others.

There was more, but Print had heard enough. He tossed the paper in his own hands on the floor, then turned to Louisa.

"Louisa," he spoke gently but with a turn to his words as though addressing his children, "I've never carried a gun to harm any man who meant me no harm. But I would have been killed a dozen times without it—by a Crow, a Turner, a Smith, a Fream, a Kennedy, or someone like that. An Olive taken a fifty-fifty chance even *with* a gun. Now there's a half-dozen damn fools within a night's ride of here that would shoot me tomorrow if they thought I didn't have a gun. Just to make themselves a reputation. That Nebraska business marked me, wife. Now I'm a target for every fool gunslinger building himself a reputation. But I'm ready to deal with them—and, by blood, if wearin' my gun keeps me from being a gentleman in your eyes or any others', then so be it! I'd a damned sight rather be a live cowman than a dead gentleman who didn't carry a gun!"

Louisa tried to reason with him, telling of her embarrassment at having a husband who wore a gun among other friendly ranchers



who had stopped the practice years before. She intimated that subtle social ostracism had even been her lot because of the practice.

"Men just don't walk up and shoot another human being like they would kill a mad dog," she remonstrated with him. "There are laws now, Prentice, laws that prevent things like that from happening!" She wiped her eyes with her handkerchief. "It's just—it's just that you labor under such a handicap among your fellowmen who never carry guns any more."

"Do you actually believe that?" Print was almost bristling to hear her plead for him to disarm himself. "Can you guarantee I will never be shot again? No! You can't! Until then I carry a gun. I've never been a saint, but I never hurt a man who was fair with me. I carry a gun for one reason—to stay alive!"

Louisa tried one final plea. "It's only for the sake of the boys, Prentice, that I ask. Billy has that old gun of yours now, out at the barn, practicing with it."

Print seized his paper from the floor, plumped back into the chair. "Let him practice," he snapped at her, "his name is *Olive*, too."

He could read no more, so tense had he become. In a few moments he climbed the stairs to their bedroom and went to bed without Louisa. But sleep would not come. His mind coursed back and forth over the track of their argument. Did Louisa believe him to be afraid of other men, he asked himself. Surely not, for his eyes had never seen the man his heart feared, nor had he ever given her reason to think so. So it must be her pride, before other women. Or could it be her hope that their sons would turn out better without guns in their belts—and there she might be right. For times were different when he had been a young man— Slowly, Print found himself almost accepting Louisa's side of the argument—and against his better judgment, he told himself. He thought of genial Gene Lyons' warning at Ellsworth—what was it Gene had said? He dozed off, started a dream about a trail drive when he was awakened as a fist pounded on the front door. His right hand slipped from the covers and reassuringly located his revolver, lying handily in its holster on the chair at the bedside. He heard Louisa answer the door. Soon she tapped on the bedroom door.

"It's a telegram for you, Prentice," she said, as she came quietly into the room with the lamp.

The telegram was from his sister Alice at Georgetown, where his mother was now staying. Julia was very ill and asking for him, Alice had written. Could he come to Texas at once?

On November 15, Print greeted his sisters at Georgetown, in his mother's home. Julia Olive was now thin and frail. Her dark eyes gave her usually red-toned skin a gray look, and she wore a haunting expression. As Print gazed into the smoky depths of her eyes, he knew she would not be with them long. Julia now talked only about those who had gone before her and were waiting for her in the Lawrence Chapel Cemetery—of James Olive, and Isabella, Jay, and Bob. Yet she rallied so well following Print's arrival and he was needed so urgently at home that he returned to Dodge.

The following Monday he attended the Western Kansas Stockman's Convention. He was elected director for a second term. The *Kansas Cowboy* commented favorably on his activities again in the following news story:

I.P. Olive, a Director of the West Kansas Stockman's Association, was in attendance at their recent convention here. He is one of our most enterprising stockmen in this region.<sup>2</sup>

"I'm deeply proud of you, Prentice," Louisa said this time, embracing him, "proud of you—pistol and all!" She gave him a quick hug. They had never quarreled before and the dispute over carrying a weapon had left both emotionally upset. Neither cared to continue the friction that gun-toting had engendered between them and each had subconsciously endorsed the other's position—Louisa to overlook the dispute and forget the matter for all time, Print to the position that he would discontinue the practice to maintain peace and tranquillity within his own home.

The following week sad news came from Georgetown. This time both returned to bid Julia Olive goodbye. Print held his mother's thin hands in her gesture of peace as she returned to her Maker. Then he, himself, gave her sign of peace as she lay still and cold in death, reciting her favorites, the Lord's Prayer and her Cherokee

Prayer for Peace. They buried Julia Ann Olive beside James Olive, their two bodies resting between the graves of their sons, Jay and Bob, and with sister Isabelle's grave only a few feet distant.

Before leaving Texas, Print talked with 'Miria, Jay's widow, about his plans for expanding the Kansas cattle business. Jay's widow had been left well-fixed upon his death, and both Print and Ira had helped supervise and take care of the cattle belonging to Jay's estate which had been left in Nebraska at the trail ranch in Hitchcock County.<sup>3</sup> By her own modest talents and thrift, Elmira Olive had added to this comfortable fortune. Print and 'Miria reached an agreement where she would loan him \$10,000.00 to aid in broadening his cattle operations. The loan was secured by a first mortgage on 640 acres of the Simon Miller Tract of land at the Olive Community. For an additional \$1,500.00 loan, Print gave a first mortgage on the Hodgeman County, Kansas, land he had acquired, north of the Sawlog. The former loan drew ten percent, the latter twelve. Print regarded it as a good piece of financing.<sup>4</sup>

Back home at Dodge City in March, Print sold Sternberg, of Rochester Land and Cattle Company, 879 head of cattle to be moved to the Smoky Hill Pool following the spring roundup of 1885. Sternberg paid \$29.00 per head. Print then returned to Texas to purchase horses for his contemplated operations on Walnut Creek.

At Jim Dobie's A Dot ranch in Live Oak County, Print found the stock he wanted, 480 head of which were gathered in the area. He paid a little more than \$5,000.00 for them, after which he hired a trail crew from the cowboys and vaqueros who had helped round up the stock and started with them up the Western Trail from San Antonio.

Among the wranglers he hired was a young cowboy from Goliad named Joe Sparrow. Fate occasionally throws together two men with greatly conflicting personalities, and this occurred when she placed Joe Sparrow under the discipline of Print Olive. The small and ambitious trail boss found it almost impossible to treat the big, indolent Sparrow with even common courtesy, and Sparrow reciprocated by creating and maintaining a feeling of animosity for Print among the trail men. Print accepted mutual dislike between men as one of those strange quirks found in human as in animal affairs. As

two saddlehorses in a remuda establish mutual dislike and kick, squeal, and fight everytime they are brought together, so do two men often feel the friction of the other's presence. The only solution Print ever found to this enigma of behavior was to separate the two animals, keep them apart. So Print avoided the parsimonious brag-gart as much as possible, made him only one small loan on the trip, which remained unpaid for months afterward, and cautioned the other men against "letting Joe get his hand in your pocket." This further antagonized the "great borrower" as Joe became called.

Fate had decreed that the paths of Sparrow and Olive become inextricably interwoven, but when they reached Dodge and Print paid off the men he, at least, was hopeful the association had ended for both. For it had been a most aggravating trip.

Home on the Walnut Creek range, trouble still persisted. This time it was a real danger to his horse herd. It had been a wet spring and soon became a bad year for livestock as the loco weed, a noxious plant which destroyed horses when they grazed over it, flourished along the stream banks and low areas. The effects of the poison weed were such as to ruin the finest saddlehorses once they cropped it and became addicted to the weed. In Nebraska, Print had seen the pink-petaled lupine, growing around the marshy lagoons of Custer County, and had learned from McClure and the sheep men of its danger to sheep. Though cattle grazed over the silvery lupine without danger, the woolly loco was a different plant, though similar in coloring and appearance. The loco weed affected the eyes of a horse, causing him to see everything as though through magnifying glasses. Print once traded for a shaggy-haired colt in early spring, never connecting the long growth of hair with a loco condition, which is a certain clue among traders. He had saddled the animal, and he started off fine. A mile from the ranch was a cattle trail, the ruts cut a foot in depth on the prairie sod and perhaps fifty feet in width. When the gelding crossed the first rut, he leaped high enough to clear a two-wire fence. At the next rut he jumped even higher—and so on across the trail. When he later described his ride that day, Print commented that the locoed horse made him put up a better ride crossing the Texas Cattle Trail *widthwise* than he had ever been forced to show in riding it *lengthwise*, Texas to Nebraska!

That affected animal he had been forced to shoot. Now he wanted no more losses, and he placed two extra wranglers on day-herd to keep the animals back from the loco areas along the stream. He put Billy on duty to watch after the stock while he attended the stock-grower's convention that met April 26 at Dodge, promising him that he would return and trade down the herd so he would not have the danger from loco to contend with the remainder of the season.

The movement to create a National Cattle Trail from Texas to the Yellowstone became the most-discussed subject at the Dodge meeting. The unrelenting Kansas settlers, through the sympathetic courts, had pushed the Texas Trails westward, nearly out of the state. Tier by tier, as the new counties formed over western Kansas, the old trails were pushed westward, finally reaching the Colorado line. There was now the need definitely to define a new, permanent cattle trail for the Texas drovers' use, one to provide the movement out of Texas to the northern maturing grounds, or to forget the entire matter. It was the hope of Texas drovers that a trail six miles in width would be arranged, so the great herds could have sufficient grazing as they moved north each spring and summer. The trail could extend from south Texas through the Indian lands, across the Texas panhandle counties or the Neutral Strip, up the west boundary of Kansas through Colorado, Nebraska, Wyoming, and Montana. Such a passage would forever provide Texas cowmen the legal outlet they needed, and free ranchers along the route from the immediate dangers of the dread Texas fever, from the Texas tick, carried by the immune longhorns. The Dodge City Convention adjourned on a hopeful note for such a new trail.

On May 16, Print's fortune took a turn for the worse. The loco weed problem had caused him great concern, though he had suffered no losses by his quick appraisal of its dangers and setting a guard against the weed. Now the sudden turn of events caused him to disregard the loco scare in the financial debacle which befell him in Dodge City.

The Olive and Searcy Meat Market had supplied Dodge and the area with most of their beef. For more than eight months the firm had butchered from five to ten beeves weekly. The beef and veal all came from the Olive herds on the Sawlog and Smoky Hill ranches.

Print had never been a man to keep close books on his business transactions, believing that "if a man's word is no good, his note is no better." As a result of this sort of thinking, which was normal among the old Texas cattlemen, Searcy had been trusted to make all the collections and to bank the joint fund. Print thought of the business in terms of an annual accounting and division of profits. From Chalk Beeson he first learned of the trouble, Beeson riding over one evening to his Sawlog Ranch to inquire why the market was closed.

The following morning Print rode to Dodge. The market was locked tight. Searcy had decamped with all their bank deposits, together with most of the accounts outstanding, which he had somehow miraculously collected up to date. The two sums totaled nearly \$6,000.00. Print was bewildered by the duplicity of his partner and appalled by the great money loss to himself right at the time when he expected to make a substantial payment on the mortgaged property, held by Elmira Olive.

Print paid up his bills outstanding against the firm, took his betrayal and financial loss silently. The total cost he knew would be upwards of \$10,000.00—a dead loss.<sup>5</sup> Searcy was never heard of again. Victor Carson, who had leased them the building, shook his head and told a friend, "Ay would pittee th' man Searcy, should Preent Olave discovaar his whereabouts!"

But Print was not interested in Searcy. At the Horse Ranch there had been trouble between the men, a shooting. Happily, no one was killed. After a quick visit, Print made a fast ride back to Dodge, hired a new cook, a horsebreaker, and a wrangler. Since Dutch Henry and his horse thieves had been reported operating in that area, Print looked for more trouble and sent Billy back to camp to oversee the camp. With action in sight, Billy returned willingly. When the horse ranch was settled down, Print set off on a trading trip down Sawlog. He disposed of a hundred and fifty head profitably, reducing the horse herd to a managable 300 head, taking in some cattle. With a neighbor, he had 900 head of his acquired cattle branded by a custom brander, Parker by name.

That summer Louisa and the younger boys stayed at the Smoky Hill ranch, the boys working with their father on the range. Al was

now ten, the youngest of the family, but learning cow work fast. In a corral one day, Al put his rope on a big muley steer, then could not take the rope off the spookey animal. He asked his father for help.

"Who helped you put the rope on him?" Print asked.

"No one," replied Al.

"Very well," answered Print. "Let 'No One' help you to take it off."

That day little Al learned that "No One" in a cow outfit meant one's self! And he learned to walk a big steer out of a loop over whose head and horns he could not pull the rope!

Print traded the horse herd down that summer in trips up the Hackberry and down Horse Creek with his young wrangler, Terence Murphy, his camps along the latter stream giving it its name. He took in some grade shorthorn cattle, which he put on the Smoky Hill River, in the Forrester Pool. That fall Ira and his family stopped by for a visit. They were enroute to Texas.

Ira was getting more corpulent, showing the easy life he was now leading. Lou Westbrook Olive was interested in leaving as quickly as they had said hello. Nora, the daughter, was a lovely and talented girl in her early teens. She sat at the piano and played smart classical music while Billy and the boys stood around awkwardly in silent awe and wonder. Frank, her younger brother, was now interested only in horses and was permitted to catch up old White Flanks for a ride.

Ira Olive's interests had broadened, he now included banking in his business activities. He had helped change the name of Plum Creek from that ignoble appellation to one he felt of greater historical significance—Lexington. But he never told his brother councilmen that he regarded Lexington, Texas, as the root from which the Nebraska town's name sprung! Ira and his family stayed only two days, then went on to Texas. When their guests had departed, Print told Louisa of his plan to attend the National Cattleman's Convention at St. Louis that fall. Because of school, she decided to remain at home with the boys. Print left Dodge City on November 12, accompanied by Martin Culver, H. M. Beverley, Fred Taintor, R.J. Hardesty, Tom Hungate, and other cattlemen from Dodge and

the Neutral Strip. A few members of the Dodge City Cowboy Band rode down on the same train to play at their meetings.

The St. Louis convention lived up to the greatest expectations of the nation's cowmen, a total of 1,365 delegates representing 77 cattlemen's organizations attending. The Dodge City delegates of the two Kansas organizations used the occasion to promote the old Cowboy Capitol as still the greatest beef shipping point in the nation, though all knew Dodge was declining as such with the Texas Cattle trail being lawed farther west. Their Cowboy Band, led by J. S. Welch and capably managed by Chalkley Beeson, drew tremendous applause wherever it appeared in the city. Print met many of his old friends of trail days with whom he had rubbed stirrups in the Seventies, some who had served the Confederacy with him. It now amused him to note how some of the worst of the old-time rustlers had become respected cattlemen—some now even grieving at their own losses to the cow thieves of their respective areas in Texas!

One evening at his suite, several guests sat around the room reminiscing how the early cowmen in Texas had achieved an honored and respected position in Texas social and economic circles. High praise was heaped upon the "old time Texian cow raiser" by one old fellow, apparently a johnny-come-lately to the Lone Star State. He loudly and vociferously proclaimed the greatness of the pioneer "Texian cattle raiser," irritating the many whose families had seen the range cattle industry begin following the War between the States. Finally, one old Williamson County cowman, exasperated by the false praise, spoke.

"Cattle raisers, hell!" he proclaimed. "All some of them old do-gooders raised was a lot of hell!" He went on to relate an episode or two in some men's lives.

Print read to them from a St. Louis paper, throwing fuel on their fire to watch the blaze grow taller:

These men have the unfettered carriage of men whose lives have been lived on the Great Plains, men who are accustomed to wide horizons, who are used to the open, wholesome air, to much riding, to camping out. . .



"To much *hiding out!*" laughed one old Texas cowboy who had married a Shoshone squaw and now lived in Montana.

"Yes, most of them old rannies have seen the elephant and heard the owl holler many times," Print observed. "For example I asked old Frank Baxter to come up tonight for a drink and join us in a poker game. Know what he said? 'Sorry Print, I taken up the church, got a passel o' granchilern—and 'sides, I never touch that stuff anymore.'"

The men in the room laughed long and loud. Then a Wyoming cowman who had known Print many years spoke up. "I remember old Frank well, Print," he said. "Drank a lot more than most of us. Some day them old fellers will be writin' their whatcha-makalets and lay claim to never touchin' a drop of tiger milk or bedding down in a she herd!" Another wave of laughter swept over the room. A Cherokee Strip rancher added his bit.

"That's where May The Innocent got that name," he explained to them. "She always told every cowboy that hit Dodge he was the first man in her life. Only trouble was that Old Frank believed her!"

Print had made his suite a headquarters for Texas men, where a sociable drink could be poured, where poker could be played night or day if the company so desired. He was gratified at the many Texas men who came to visit him. And it was rewarding to have men from Nebraska and Kansas drop in to pay him a call, knowing the reputation he had earned in the Nebraska lynching of the two settlers. Most of the hours of visiting were concerned with range problems and discussion of the National Cattle Trail. Range was overcrowded from Mexico to Canada from what the cowmen told him. Some of the wiser and more experienced ones believed that it was the logical time to get out of the range cattle business.

When Print returned to Dodge City he read a timely and omniscient paragraph from the pen of Goodrich, editor of the *Daily Drover's Journal* of Chicago:

If you have any steers to shed, shed them now. . . .

It was a conclusion reached by the editor from his vast network of information over the plains country. Cattle would be much cheaper, he observed. Now Sternberg's purchase at \$29 the head at spring roundup made Print rest easier. But that winter the great storms

from Canada again crossed the central and western Kansas range, driving deep into Texas and leaving in their wake thousands of head of dead cattle. Print's young stock on the Sawlog ranch fared poorly, though they had ample feed and fair shelter in the wooded areas of the creek bottom. Conditions on the Smoky Hill range were a little better, the stock was big, mature steers and native cows, better able to stand the bitter cold.

With Sternberg, Bill and Tom Forrester, Print made a long ride over the Smoky Hill range as the first storm subsided. At the offices of the *Kansas Cowboy*, which was now published at Dodge City, having moved from Sidney, Kansas, he gave Morphy, the editor, an estimate of the damage—less than two per cent loss. Again on January 9, 1885, after a particularly bitter cold spell, Print clung to his original estimate. But just as unfounded business optimism and "buy now" campaigns fail to hold up retail sales in a sagging economy, so Print's hopeful optimism, based on seeing but a small percent of the total livestock on the range, failed to be a correct estimate of range cattle losses. Of his 300 head of young cattle on the Sawlog, 150 head had perished by spring. "They just froze to death," his foreman said.

Late in January Print met Joe Sparrow on the streets at Dodge. Sparrow was holding cattle now in the Indian Territory, and he related to Print a pitful tale of hardships suffered in the storms by himself and his two men, and bad luck, following upon his heels. But he did not relate how he got into the cattle business, one that required money enough, as Print well knew. At Ham Bell's Elephant Stable, later, Bell gave him a run-down on Sparrow's recent activities.

"Joe's mixed up in that Thurman shooting," Bell related. "Thurman, the KH foreman, killed G.C. Smith, the foreman of the Dominion, down in the Cherokee Strip. Al Thurman's foreman of the New York Cattle Company, the KH, you know." The dispute was over range, Bell said, below Camp Supply on Wolf Creek.

"Some of the Dominion boys have sworn to kill Thurman," Bell said. "On Thurman's team is Jim Wright, Frank Gentry, Frank Thomas, and your pal, Joe Sparrow. All these boys worked for the KH. They weren't in on the actual shooting, but they've all been

to Federal Court to testify at a grand jury hearing. I hear Sparrow's riding shotgun for Thurman now."<sup>6</sup>

"I can hardly believe it," Print said to Ham Bell, "Joe's too lazy to pull a trigger—even if he was mad!" Bell chuckled. He, too, knew Joe Sparrow and his desire for ease, and he also knew Print's utter disgust for the big lout.

In March, Sparrow was back in Dodge. This time he looked Print up, asked him for a loan of two hundred dollars. Sparrow told of his hard luck, his need for money to keep his men through the spring, of his losses of cattle in the storms. Print asked why he didn't do the bank circuit like other cowmen.

"I bin turned down all over town, Print," Sparrow said. "I got two men to feed, dependin' on me to bring back grub. We're down to oatmeal and water now. I cain't let 'em down."

Against his better judgment, but always sympathetic to a fellow cowman who was up against it for money to carry on his business, Print took Joe to the bank with him and borrowed a hundred dollars for him, co-signing the note.

"You been up here long enough to know a banker, Joe," Print advised him. "Just remember this—you get that money back in here by July, rain or shine. If you don't get in, mail it to me here at Dodge. Or have one of your men leave it with Mack, at the Long Branch. I've had some losses myself, and I cain't afford to pick up that note for you."

Joe Sparrow took the hundred dollars and promised to get the loan repaid on time as required by the bank. And Joe paid back all of the loan—all that is except an important ten dollars, which Print eventually repaid in order to take up the note for Sparrow. And Print was not happy about the deal.

## Chapter XXI

When school was out that spring of 1885, Louisa brought the boys up to the Smoky Hill ranch for the summer. "It'll keep them out of mischief," Print had urged her. The boys were growing like tall grasses in the Smoky Hill valley after the deep snows of the previous winter. Each now rode with the skill and grace of the older cowboys whom they mimicked in every detail of their actions, even to the stiff-legged walk from hours in the saddle. They copied the techniques of the various ropers and horse breakers, each boy becoming proficient with the rope and in riding bucking horses. Billy became well-adapted to horse training. Print was a proud and indulgent father. He had grieved over the lost spotted ponies at Medicine Lodge and had now mounted the boys on some of the fine Steel Dust horses brought from Texas and the Jim Dobie ranch. The boys were a happy, healthy lot and, what was most important to Print, useful on the ranch.

That spring the boys helped gather the steers sold to Rochester Land and Cattle Company and delivered them to Sternberg, the manager. Billy and Tom both worked with Print on the spring roundup, and Harvey and Al were allowed to follow the wagon and drive cattle into the herd when the work was near the Smoky Hill ranch.

Billy's roundup work was interrupted with constant visits to see Emmaline. Timothy Armstrong, the girl's step-father, had that spring received his Union veteran's pension which enabled him to make substantial improvements on the freight trail at the Armstrong Crossing of the Smoky Hill. A large limestone barn was built west of the house and post office building, where six to eight freighters' teams could be stabled and fed. Armstrong was the primordial type of man, the kind that wore best on the frontier, and he did much of the hard labor himself. Calloused, inured to rough treat-

ment and hard useage as a Union soldier, he was a man with a good heart. But he ruled like a patriarch of old, and it was his law that every member of the family contribute what part they could to the family survival and welfare. So he made Emmaline and Calvin, her younger brother, herd their milk cows on foot, a lonely, wearying task.

Emmaline was now seventeen, pretty, sensitive, and proud. She soon rebelled at her difficult and embarrassing labor, and hearing of a neighbor woman who needed a household worker, a "hired girl" they called them, Emmaline left one night without saying a word and was soon "on her own." She worked at first in the neighborhood, for one family, then another. Eventually she became a waitress at the WaKeeney Hotel. Wherever she went, Billy followed to woo her, however distant from the Olive ranch, either on horseback or with his mother's fine driving team and black buggy with its red trim. Both Print and Louisa were happy to see Billy maintain his ardent courtship, for both sensed a fine marriage in the offing.

The neighborhood dances and parties were entertaining and interesting little affairs, and Billy and Emmaline frequently took the prize for being the best dancing couple. Louisa was extremely fond of Emmaline, frequently taking her to Dodge City shopping with her. She saw to it that Emmaline was correctly dressed and "watched out for her" while she was away from home. For Emmaline reminded her of her baby Gertrude, and she treated Emmaline much as she would have treated her own lost daughter.

The dances and parties provided the framework for the many romantic courtships that were fashioned in the area and the solid marriages that followed. Taffy pulls and songfests were a part of the social life and were conducted at early morning hours that might shock this later generation. But they were generally several miles distant from their homes and it was customary to remain at the party, not be out alone on the plains where danger still lurked at night. They sang favorite songs, when the dancing was over. Such favorites as "Peek-A-Boo Waltz," "White Wings," "Listen to the Mockingbird," "Barney McCoy," "After the Ball," "Maggie," and "Young Folks at Home" were played on the organ, violin, or mouth harp while the gathering sang.

Emmaline pleased Billy most when she sang for his ears alone a favorite song, "Marguerite." Many were the shy but tender sentiments which Billy proclaimed orally or which he penned in Emmaline's little autograph book. Those were the popular years of the autograph books and everyone who was anyone aspired to have her booklet filled with the poetic contributions of others. By the time Billy was truly enamoured of Emmaline, her booklet was half-filled with those treasured sentiments. However, she found a privileged spot in her album in which Billy inscribed his first verse:

Dear Emma:

Whatever in this  
Checkered scene of life  
May be my lot,  
Believe me, I shall  
Happy be if you  
Forget me not.

Your best friend,  
W.P. Olive

Just a few pages later, as though his first effort had not fully described the chaotic condition of his heart, Billy wrote still another verse of even more tender sentiment.<sup>1</sup> Emmaline's soft, dark eyes moved lovingly over Billy's serious face as he held the tip of his tongue firmly between his teeth while concentrating on his painstaking efforts:

To Emma:

While on Life's ocean you shall sail,  
May softest zephyrs be thy share  
A stranger shorn to every gale  
To every grief and every care;  
Oh, may thy path be strewn by flowers,  
And sweet birds sing their sweetest lays,  
And gladness dwell in all thy hours  
Until the closing of thy days. . .

Is the heartfelt wish  
Of your friend,  
W.P. Olive

And so passed the year of 1885 north of Dodge City on the Smoky Hill river range. The tender love of Billy and Emmaline, growing and ripening, offered the beautiful commencement of what many hoped would become a mature love, culminating in a happy and fruitful union of the two young people. And no two prayed with more earnestness for the eventual marriage of the two than did Print and Louisa Olive.

Billy Olive's closest male friend was George David Harrison, or "Dave" as he was called on the range. He was a fine young Texas cowboy who had come up the trail the previous year or so and was now employed by John A. Webster Co., a large cattle-owning and land-acquiring concern, gaining a foothold in the west. Billy and Dave were friends throughout 1885 and the spring of 1886. Dave was a year or two older than Billy, but he found in Billy the genuine companionship he needed. Dave was at the time entering land in the land office at WaKeeney for his company, a practice that was common at the time where the cowboy did the "homesteading" and the land company took the land for a few dollars to provide them more cattle range.

When Louisa took the other boys back to school in the fall of 1885, Billy stayed on at the ranch. In November came the great cold front out of Canada, burying the central plains and high plains country under a sheet of ice and snow. Coming without visible warning, it left the plains strewn with dead cattle.

Billy and Dave brought in what cattle they could for their outfits, started skinning the rest. Through the next three months they skinned dead cattle, brought in what they could alive. Print had 200 head of young cattle on the Sawlog and only about 300 head on the Smoky Hill. He divided his time now between the two ranches, riding for weak stock and skinning the dead animals.

The ranchers had hardly cleaned up after the November storm when a colder spell struck them in December. Now cattle were dying over the whole Great Plains area and what lived were drifting down onto the barbed wire drift fences where they stood bawling and suffering until they perished in the cold. On New Year's Day a third terrible blizzard struck north-central Kansas, the cold front this time extending from the Rocky Mountains to the eastern states. The

snow was covered now with a half-inch thickness of ice that cut the legs of the animals as they drifted with the storm. The temperature fell to twenty degrees below zero. There it remained for three days while the suffering animals drifted into the ravines and against the barbed wire drift fences. Ice balls that formed on their muzzles the size of freight-wagon hubs smothered them as they sought shelter from the storm. This cold spell continued until January 10, then the weather again moderated.

All the ranchers and settlers now poured out onto the snow-covered plains, skinning knives and whetstones in their belts. No longer did anyone pay attention to brands—there were enough hides for all to skin before the bodies thawed and started putrefying. That week they brought in the body of August Johnson, the faithful line rider for the Smoky Hill Pool. He had perished at Salt Creek while attempting to light a fire. Other cowboys, with little humor, made the facetious observation that "The first of January was the last of August." They never said it to be mean, but only for its rough humor. For with the great tragedy that gripped the plains, anything that could help lift men's spirits, however rough and ill-chosen it might be, was welcomed.

The series of storms endured that winter of 1885-86 were the worst ever to strike the Great Plains. That winter killed the range cattle industry as surely as the butcher's knife kills the beef. Only the spring roundup would reveal the true story.

In February, with the weather moderating again, Print planned to fence a section or two of the land south of the river near the home ranch on the Smoky Hill, for the storms, he knew had finished the cattle pools. He could keep his stock within a mile or two of the big cattle sheds he had erected for storms and he could still use the river range.

A settler, Ab Patrick, had taken a timber claim that adjoined Print's place. Print now went to the settler, laid his cards on the table, and offered to fence ten acres of land for Patrick if the settler would agree to move his access road back a few hundred yards out of Print's way. The fence would provide protection from the Olive herd and Patrick would have an enclosed place in which he could grow crops and make garden. Patrick readily agreed, and though the



two places occupied practically the same land, each made room for the other.

On April 1 came a spell of cold, wet weather. This final natural indignity carried off the remaining poor and weak stock, many of the mature native steers now dying. Riding the range a week later with Ad and Sam Forrester, Print made the observation, "The April storm killed more cattle than all the winter storms combined. Between rustlers, lobos, and blizzards, I've lost two-fifths of all the cattle I ever owned."

Soon the reports of the April storm came in. Ten thousand cattle lay dead on the plains between Garden City and White Woman Creek, a distance of forty miles. Print and Sternberg, riding from the Smoky Hill River to Dodge City, estimated that there were three times that many dead cattle lying on the range between the Smoky Hill and the Arkansas by April 15. At one point along their route they came upon a windrow of dead cattle on the north side of the Smoky Hill Pool's drift fence extending 300 yards in length, the bodies lying two and three deep along the barbed wire, a half dozen head of dead saddle horses scattered among them.<sup>2</sup>

A meeting of the Smoky Hill Cattle Pool members took place on April 5 at Grainfield and the affairs of the association were concluded, the roundup date set for June 1. The Forrester Cattle Pool soon followed suit, disbanded as a group, and agreed to the late round-up date. In Dodge City, Print and Sternberg and Ab Forrester met and talked with the ranchers of the Neutral Strip. Bob Steele of the Crooked L, Adam Telfer of Drake & Telfer, "Doc" Barton from the Barton Brothers spread, Tom Hungate and his brother Bake, "Toot" Over, George Healy, Jim Hitch from the Coldwater, Fred Taintor, George Reighard, and many other cattlemen visited Dodge following the debacle, hoping to learn if their bad luck was indicative of the whole area. After meeting with others, all agreed that the widespread use of free government range for winter use was over. None cared to invite another catastrophe, even if they could have afforded it.

"Our hay crop is all that saved us," Jim Hitch told them. "We cut all the meadow hay on the Coldwater the men could stack. If we hadn't had winter feed we'd have lost them all!"

"We'll move on to Colorado—maybe Montana, later," old Jack Hardesty said thoughtfully. "Oh, we may stay on a year or so down in the Strip—but it's damn poor winter range anymore."

"Way I see it," Adam Telfer said quietly, "the age of giants is over now. We'll try a smaller, tighter operation—if we still exist."

Print blew the foam from a stein of lager. "You cain't keep 'em close enough to shelter to avoid these plains storms," he said. "I've tried it and lost. Fewer cattle, better care. Adam's right. That's our best answer."

Chalkley Beeson, cowman himself and now standing on the front side of his old Longbranch bar, gazed down along the bar at the long faces of his friends, their brows furrowed with doubt. He had lost two-thirds of the Beeson & Harris herd on the COD range south of Dodge that winter, and he knew how depressed his friends and neighbors felt.

"Step up and drink on the COD—or what's left of it—gentlemen," he invited. The bartender poured a long row of stiff shots of bourbon in the empty glasses. Beeson held his glass high in a toast to the others. "To a better year—next year," he said. All present clinked glasses in the classic toast of the High Plains cattlemen.

All over the west the settlers were closing in on the free government range with grasshopper plows, turning the buffalo sod, and exposing the black roots below. The russet prairie, early that following spring, was dotted with gray sod homes. Men with long ropes, five times the length of the cowboy's lariat, were now digging into the earth for water and hanging pails upon these ropes to retrieve it from the bowels of the earth, once they reached it. This class was the greatest of gamblers. Uncle Sam had bet them quarter sections of the earth that they could not stay and live off it for three to five years. Even the hardbitten cowmen shook their heads, turned away, telling the grangers they would lose.

Print turned his eyes westward. He was an open range man. Free grass was, had been, his whole life. Perhaps along the National Cattle Trail opportunities would again present themselves.<sup>3</sup> He had talked with the Dodge merchants, Bob Wright, Bill Beverley, and Chalk Beeson, and with Charles Rath, dean of the old plains supply men who now operated at Fort Elliott and Mobeetie, Texas. They

thought some new trail city along the proposed Western Cattle Trail might grow to match old Dodge in her halcyon days. It was possible that with luck in a new trail town he might recover from the market fiasco and yet be able to repay Elmira Olive's loans and avoid foreclosure of the mortgages she held against the Sawlog property and in Texas. Studying a map of western Kansas and eastern Colorado, Print's eyes fell upon the area where the waters of Ladder River turned north toward the Smoky Hill River—"about here, somewhere near where old Wild Horse Johnson's corrals were," he said to himself, pointing out the place with his finger, "or maybe south—here—along the Santa Fe tracks." This much he knew, if there was to be a trail city, it would take old trail men like himself to build her. At forty-five years, he must regain his losses quickly to help the family the way he had planned. Louisa heard his talk, and she understood him. He had always been this way before commencing the long trail trips.

"You do what you think right, Prentice. You must carry on. What has happened to the cattle business is a natural disaster, in no way your fault. It happened to all. We'll go with you—or stay here, whatever you wish."

During the depressing spring months of 1886 Billy Olive was much neglected by his father and away from Louisa's good influence. The great range disaster had seemed to cut into every family's life. Many ranchers who had commenced the winter in good financial circumstances were now paupers. Most of the cattlemen had been away from families since early November, trying to save their herds. The fight for existence turned Print's attention, as it did others, away from family duties and interests. So Billy, just turned 18, in love with Emmaline, living the lonely life of a hide-skinner with Dave Harrison, his companion, on the range, moved in a world of dead cattle, blood, and stench.

Wearing six-shooters, and using them on some livestock too debilitated and crippled by the storms of the winter, Billy and Dave saved what cattle they could for their owners, skinned the rest. They had become inured to the suffering creatures, and this hardness seemed to fasten itself upon their characters, much as the butcher's callous indifference to raw flesh, blood, and the killing of the beast

comes from his daily association with his work in the abbatoir. On a warm spring day when the work had become boring and nauseating to the two boys—it was April 10, 1886, a Saturday morning—the pair cleaned up, washed the blood from their boots, changed clothes, cleaned and oiled their six-guns and holsters and belts, and started to town. The village, WaKeeney, boasted a few stores, a hotel, an illegitimate saloon or two, a lumber yard and blacksmith shop, and the other appurtenances of the plains villages. It was a center for the freight traffic from the railroad to the new settlers on the plains to the southwest.

At the Beem Hotel, Billy and Dave went at once to the back room where they ferreted out a poker game, sat in and ordered drinks. As the game lengthened the Beem boy, playing opposite Billy, ordered another bottle of whiskey. When that pint was consumed, still another bottle was ordered. Neither Billy nor Dave was accustomed to drinking, and both were soon drunk. Then they went out for dinner.

After eating, they made a round of the town, visiting the few card places where liquor was sold. By two o'clock they were back at the Beem Hotel, both in their cups, thoroughly enjoying themselves in a rough way, waving their revolvers which they had picked up at the livery stable where their horses were stalled. They re-entered the poker game, played for an hour or more when a quarrel broke out between Billy and the Beem boy. Billy was now very drunk and insulting, as was the proprietor's son, who tongue-lashed Billy. Billy arose, kicked back his chair, and drew his six-shooter, accusing the Beem boy of cheating at cards. Dave, now partially sobered at the turn of events and knowing how stubborn Billy could be, arose to try to talk Billy into putting his gun away.

"Billy, straighten up and act sober. He didn't mean to cheat you—" Dave took Billy by the shoulders.

"You stay out of this or I'll let you have it!" Billy shouted, wrestling himself free. Dave again took hold of Billy's arms, attempting to pinion them to his sides. Suddenly there was an explosion as Billy's revolver fired, and Dave Harrison crumpled to the floor, mortally wounded.

The shooting had happened so quickly no one realized what had

taken place. The young town marshal, present at the hotel, quickly arrested Billy. He asked a friend, Billy Flynn, who was also a good friend of Billy Olive, to guard him that night at the town jail. In the middle of the night, Flynn heard Billy tossing in his cot and fumbling with the wall grating.

"Where am I?" Billy Olive asked. Flynn told him what had happened. Billy turned to the wall, weeping. "Oh, my God, Flynn, I've killed my best friend," he cried out over and over.<sup>4</sup> But tears, shed in whatever degree of repentance, could not undo Billy Olive's folly.

Billy's father, notified of his son's trouble, rushed from Dodge to WaKeeney as quickly as his fastest horses could carry him. On the hard night ride, Print's thoughts were all on his son, and the way he had been neglected through the winter. Perhaps if he had been a more thoughtful father, Print told himself, this might never have happened. Somehow, he would make it up to Billy, would not see Billy's life ruined as his own had been by the hasty lynching of the cattle thieves in Nebraska and all the trouble that had followed it. He thought of Louisa and her anguish and her thoughts about the younger boys who considered Billy their glowing example. That night he rode out three good horses as he hurried north to WaKeeney and his son.

Billy was held in jail five days while the county attorney postponed a hearing until he would know whether Dave Harrison would live. W.O. Olsen, a friend of Print, provided the \$1,000.00 bail, and Billy was released. Then, on April 20, Dave died from his wound. Billy had been to see Dave and Dave, of course, never held it against Billy, knowing that it might very well have happened the other way around with Billy his own victim. But there was a lot of loose talk in WaKeeney and on the surrounding range about hanging Billy. Following Dave's death, a formal murder charge was filed against Billy Olive, and the sheriff was sent to bring him in.

Print and Billy were at the ranch alone that night. An Olive cowboy heard the news at WaKeeney and rode out ahead of the sheriff and his deputy, delivered the message to Print and left before the lawmen appeared.

"What you've done, Bill, only a drunk or an imbecile would do,"

Print scolded Billy. "Still, they'll give you a life sentence in the penitentiary if they catch you. An Olive can't live without his freedom, so you better light out for Texas. You won't be the first man to run from the Law."

Billy studied the face of his careworn father, as though really seeing him for the first time in his life, now that he would be leaving him. Prentice Olive was thin and haggard, his usually well-rounded face lean and covered with a scraggly beard, gray streaks running through its black mass. He was paying with his health for the two previous winters when he had ridden night and day through his dead cattle on the ranges, trying to salvage something from his disintegrating cattle empire. Billy knew now how his senseless act had added to his father's burdens. The wrinkles were etched deeper in Print's face than Billy had ever noticed before, making long seams down his weather-beaten countenance.

"Where shall I go?" asked Billy, "what part of Texas?"

"Go to west Texas—west of the Pecos. Get hold of some cattle, honestly. Try to build a new life." Print scribbled down two names of west Texas ranchers he had known for many years. "Maybe these men can help," he said. "Go see them." Billy's father reached in his pocket and withdrew a thick wad of paper money. "Take this, too, son. You'll need it."

The sheriff and deputy appeared a scant half hour after the warning had been delivered of their activities. Print only said, "Look around." He knew that if he started Billy down a trail ahead of the lawmen they would pick up his sign, track him, stir up fresh posses as they saw his horse's tracks ahead of them in the grass, finally run him down and perhaps kill him. So he had hidden Billy who was even now lying lengthwise in the long trough that was built just under the eaves of the house in the attic. Billy knew why his father detained him, told him where to hide. For Print doubted that the sheriff, an old and good friend, would search too carefully. When the lawmen had shaken hands and departed, Print saddled a mare and followed them for a few miles, just to make sure. Then he returned. Billy came down from the attic, spitting dust and brushing cobwebs away.

The two, father and son, sat on the limestone steps when Billy had

saddled a horse and led him from the barn. Print knew how his own father had felt when he left for the war. But there had been the feeling that men have of exaltation when they leave for war, on that occasion. This time both he and Billy felt a secret shame, and Billy felt the keen loss of his murdered friend. There was little left to be said.

"Ride fast," Print advised him. "Stay off the main trails. Avoid Dodge. Get into The Strip as fast as your horse can travel. You'll be safe there."

They shook hands. Then following an ungovernable impulse, Print reached out and took his son in his arms, crushing him to his breast. Billy mounted his horse and rode south, around the big round-top hill upon the crest of which sprawled the immense cattle sheds his father had built to save his herds from the blizzards.

Print walked down to the spring, sat down on the rock wall. Alone in the dark, his body shook with deep, animal-like sobs and cries that seemed to wring every tear within him from his eyes. He was glad Louisa would not see her son again. And Billy, though riding through the night an outlaw like his uncle Bob, would have his freedom. Print felt a deep responsibility for his son's present circumstances, and accused himself of abandoning the boy during the fierce winter storms so that he might look after his business—to the detriment of his own flesh and blood. He fought to console himself, telling himself over and over that Billy would be a free man.

Billy rode south only far enough to be out of his father's sight and hearing, then turned his horse toward WaKeeney—and Emmaline. Near the town, early that morning, Billy stopped at the Ostrander sheep ranch where she was working. Emmaline saw him in the distance and came running across the yard to be away from Mrs Ostrander, Sam, the herder, and old Aunt Jane, when she talked with Billy. Billy dismounted, stood waiting beside his lathered gelding. Emmaline knew of Billy's murder of Dave Harrison, but she had not seen Billy since that day.

"Emma," Billy said softly, like a caress, "I'm leaving."

"Dave died yesterday," was her rejoinder.

"Emma, I didn't mean to—"

"And you're running away now," she wiped at a tear with the

elbow of her sleeve, for now she sensed her own loss of Billy in the tragedy that had struck at the card room in the WaKeeney hotel.

"What else can I do?" Billy asked defensively.

"Will—don't run away," Emmaline plead. "Stay and see it through. I'll face it beside you!" She could not stand the thought of a life and a world without Billy Olive in it, his square and sturdy figure always at her side, his round, handsome, and oftentimes solemn face turned admiringly toward her when she sang, or danced, or laughed, a kindly boy whom she would always speak of as her first love. He had come to mean something substantial, some security in her insecure existence washing other peoples' dishes, doing other women's washings, and sweeping and cleaning other women's homes. Always Billy had made it a point to be near, a presence that softened the hard and difficult facts of her own life as a waif of the plains country. His brightness cast its light back into the dark and dreary recesses of her melancholy existence when first she had met him. The rides behind his mother's driving team, the gay parties and dances, and now his loss would be a wound to her own heart, grave to bear. Emmaline was now pleading for her own, as well as for Billy's future.

"Will, don't—*please don't* run away!" she begged in anguish.

"They'll put me in prison and you'd never see me anyway," Billy answered. Emmaline's brow wrinkled now in vexation at her own frustration and she cried out tearfully at Billy.

"If you leave me now, Will, I'll never have anything more to do with you!" Emmaline stood stiffly, hands at her side. Billy had always treated her as a lady, but now she was not lady-like, lashing out not at just Billy but at the cruel circumstances and the foolish and thoughtless act that had brought about disorder to her tranquil and happy love for Billy.

"Think of your mother! Stay and face this thing, Will, and we will all stick with you. We know you wouldn't have done it purposely—why, Dave was your best friend! And they all say you were—were—dead drunk!" Emmaline had never seen Billy take a drink and she winced at having to say the horrid words.

Billy tried to touch her hands, but Emmaline withdrew from his reach. "If you leave me now, Will, I'll never speak to you again!"



Emmaline was crying openly and it hurt Billy, down where he had never felt pain before. He stepped into his saddle.

"I'll write you when I get—well, to where I'm going," he said lamely. She did not answer, just stood looking up at him dumbly, her tears spilling down both of her flushed cheeks.

Billy Olive rode away with the pain in his chest growing greater with each mile he put between himself and his sweetheart. Emmaline stood in the ranchyard a small, broken-hearted figure on the land, watching Billy and his horse until they became joined as only a speck on the wide horizon. She kept her word. She never saw Billy again. But she also kept *his words*, the little verse he penned in her autograph album. And true to Billy's tender wishes, with the little prairie flower pressed against the words he wrote, "She forgot him not."<sup>5</sup>

\* \* \* \*

Late that July, in 1886, Louisa received the only letter she was to get from Billy. He was not in Texas as she had supposed from what she had pried out of her close-mouthed husband, but only sixty or seventy miles southwest in the Public Land strip, or No Man's Land, as folks called it. His letter was rubber-stamped Beaver City, a growing sod town just across the Beaver River on the Jones & Plummer freighting trail.

Print was as surprised as Louisa to learn the actual whereabouts of Billy, since he had assumed that Billy had headed straight for west Texas and was by now working for one of the cattlemen whom he had told Billy to see. And Print was discouraged about Billy as they shared the letter.

Beaver City was a lawless place, Billy wrote, since there was no government of any kind there, local or state, the Strip being a parcel of land everyone seemed to have missed when dividing up land to make up the surrounding states and territories. But the place was booming, with new soddies and dugouts going up all around the area on the south bank of the stream. Most of the men were like himself, Billy wrote, glad to find a place in which to hide out where the law left them alone. Many of them hopeful of making a new life for themselves, he said.

He lived with a friend, John Halford, whom they called "Lengthy," because of his height, six foot three inches. The two boys

had a soddy "in the west part of town." Billy told of quarreling with one of the town's founders, William Waddle, and how Waddle and other "town boomers" tried to sell land upon which they had no legal title. Billy settled the dispute, so he said, by knocking Waddle's wife to her buttocks on the street. When she threatened to tell her husband, "and he'll take care of you, you dirty little puppy," Billy strode into Waddle's grocery store and shot all the cans from the shelves with his six-gun!<sup>6</sup>

Louisa was astounded and puzzled at her son's confessions, and even Print shook his head, almost in disbelief.

"He couldn't be telling the truth," Louisa gasped.

"Oh, he's telling the truth, all right," Print said soberly, "but there's a lot more truth than he's telling."

Billy said nothing of how he and his friend were making their living in the sod town, nor was there any intimation that he sought rehabilitation or spiritual forgiveness for the murder of his friend. There was no indication of guilt in any part of Billy's letter, just the rough talk he was learning of the frontier town—"hideout," "road trotters," "claim jumpers," "land sharks," "vigilantes," "fast with a gun," and other expressions and phrases that told their own tale of what Billy's life had become. Billy did mention that some men made a living rustling the neighboring cattlemen's beef—"Taintor won't know until spring roundup how much beef he's lost."

Yet Billy did express loneliness for the family and for the brothers, and he inquired in detail about Emmaline. He had written her a letter, he said, but it came back marked "Unclaimed."

Louisa was saddened by the tone of her son's letter, and she disapproved heartily of such a life. She invited Billy to come back, surrender himself to the law forces, and stand trial for his crime. "I'll stand up with you, son, and besides, what reason on earth can you have for preferring such a life to going on and living an honest life as a cowboy in Texas as your father suggested for you to do?" She mentioned Print's sacrifices for the family, of his efforts to rebuild the family fortune by his Trail City investments. But in Beaver City, life was moving too fast for Billy to hear his mother's

and father's sensible appeal to his reason, and only the emotional stimuli of the hour affected him and his adopted way of life.

Lengthy Halford had a friend of sorts. Her name was Mattie Brace, and she had worked at the dance halls in Dodge City. Soon Mattie invited a friend of hers down to the Strip for a visit. So Billy Olive became acquainted with and enamoured of pretty, petite May Vaughn, who in many ways resembled his lost Emmaline. The two girls were young, vivacious, completely amoral. Both were products of the St. Louis slums. May dressed very stylishly, and she was extremely unfaithful to the young Billy Olive. She bore a unique resemblance to the daughter of the storekeeper, Waddle, and this resemblance brought on a meeting and association of the two girls with Mrs. Waddle's excusable anger. The quarrel with the Waddles, mentioned in Billy's letter, resulted, and Billy, too, demanded an end to the friendship between his little trollop and the Waddle daughter.

Billy and Lengthy supplied beef to the sod town—stolen beef, shot on the range, butchered, and brought to town. Since everyone in Beaver ate beef, the crime of rustling or beef theft was hardly considered a felony, even though a man might be shot for stealing a rifle or six-gun of equal value to a thin steer. This unique overlooking of one man's rights, those of the cattle owner, in favor of cheap beef for all citizens of the town, resulted when the proportion of paupers to the single propertied person became excessive. Soon everyone lost property rights.

There were two political factions in Beaver City, each engaged in a struggle for economic power—the proprietary right to the land. Since the Neutral Strip was without government of any kind, and none was recognized by the United States Government, all who sought to claim land for themselves in the Strip fell under the same category—thieves or land sharks. One faction was backed by a man named George Scranage, and he, in turn, was aided by several hard cases who were willing to use their guns, if necessary, to prove their point.<sup>7</sup>

George Scranage claimed land in Beaver City and at such points up the river as Grand Valley and Optima where his "committeemen" ruled. The faction opposing Scranage was little better,

though not so militant and well-organized. And though Billy Olive and Lengthy Halford joined in the saloon life of the town, neither had any desire to "own" land there or to enter into the political struggle. Billy's session with Waddle seemed to have proved that he would not be pushed around.

An early effort was made to set up a stable government in the Strip and a mass meeting was held at which a call for a General Meeting was signed. Billy attended and signed the document.<sup>8</sup> Shortly after this meeting, Scranage's "committeemen" shot two men to death, a gambler named Frank Thompson and the merchant O. P. Bennett, and in very cold blood. Billy had frequently played poker with the fellow Thompson and had little regard for him, but Bennett was of a different cut.<sup>9</sup> And Billy was disgusted to watch how the fat O.G. Chase, selected by Scranage to play the role of "judge," lorded it over the other people of the little community. When "Judge" Chase made a "property settlement" of the dead men's estates, dividing the spoils among his henchmen, Billy showed great displeasure and attended no more of the meetings of the "Territorial Council of Cimarron Territory," as they called the movement. So Billy's name was placed on the list of those whom the committeemen decided to bring into Judge Chase's "court." For the Committeemen did not like "lone wolves" like Billy Olive and Lengthy Halford running about independent of their ukases and scorning the preachments of their Reverend R.M. Overstreet.<sup>10</sup>

One day Billy stole a laprobe from a buggy, stowed it away in the outhouse of a man for whom he had a great dislike, Charley Tracy. Billy then had another man tip off the Committeemen, telling where the robe could be found. The kangaroo court of Judge Chase that opened nearly hung Tracy. But before he was sentenced to hang, another man told the court of seeing Billy Olive put the robe in Tracy's building. Billy was brought to judge Chase's "court" wearing his two big revolvers!

After answering a few of the judge's questions, Billy tired of court life. Drawing a six-gun, he forced the judge from the bench.

"Your head is just like an open door to me," Billy told the judge in front of all the spectators and Chase's supporters, "and all I see in it is a lot of stinkin' meanness!" Billy took the judge from his court-

room to Jack Garvey's saloon. There he ordered two drinks. When the judge declined to drink with Billy, Billy told him it was perfectly all right for him to drink alone. The judge said he didn't drink whiskey. Billy said, "Oh yes you do," and made the judge drink both glasses of the tiger milk Garvey had placed on the bar.

Billy then turned and left, with the gaping jaws of the committeemen behind him. "When you want me again, judge, just let me know. I'll come a' runnin'." From that day on Big Mack McIntosh, Addison Mundell, Joe Hodge, and the other committeemen put Billy's name on their dead list.<sup>11</sup>

On September 8, 1887, Billy walked into the Henderson saloon for a drink. While sipping a beer, he found his concubine's photograph on the backbar, together with a group from the Dodge red-light where she had previously worked. Billy demanded the picture. Henderson, a Scranage man, declined, telling Billy the tart had given him her picture, which was probably the truth. Henderson had several committeemen in at the time, so Billy bluffed. Later he returned with Lengthy. This time the two young men called for their drinks by shooting the tops off several bottles on the backbar and shattering the mirror over the bar. Again Billy demanded the photograph. Henderson told Billy the picture had been put in his trunk in his room at the rear of the saloon. Billy put a bullet or two in Henderson's coattail as the barkeep fled out the rear door. Then he and Lengthy opened the trunk the easy way, with their smoking six-guns. The picture was shot to pieces when they retrieved it.

Henderson now sought help to bring Billy and Lengthy to justice for shooting up his saloon and assaulting himself. But among the twenty-five or thirty Scranage committeemen in the town, he could not find two men brave enough to tackle the job of arresting the pair. Joe Hodge, the postmaster, finally agreed to aid Henderson if he would settle with a bushwhacking instead of an arrest. All the townsmen agreed to the plan.

Billy and Lengthy had gone from the town on a search for beef that afternoon. When the two boys returned, the town had been literally "buttoned up," anticipating a killing on the order of Thompson's and Bennett's. From a position across the street, behind an old sod wall, Henderson and Hodge waited, armed with Win-

chesters.<sup>12</sup> Billy dismounted in front of the building that was later occupied by Garrigue's General Merchandise Store. It was then a saloon. Henderson and Hodge took aim and Billy Olive dropped to the ground with a bullet through his heart. Another slug lodged in the store front.

Lengthy dashed through a building and out the back door. He fled down the river, east of the town, hid in the tall grass. Searchers combed the area for an hour, then Mundell said, "He'll keep 'til mornin'."

Louisa was notified of her son's death, and one of the Chilcott brothers, Rube or Perry, delivered the body to Dodge on a Kramer freight wagon the following day, before it soured. For they had no ice in Beaver City.

In Dodge City, the Reverend P.F. Powelson of the Presbyterian College said a few words over Billy's grave. The brash young Billy Olive was nearing twenty when he died. On the tall shaft in the graveyard, Louisa had the stone mason inscribe:

WILLIE P. OLIVE  
Son Of I.P. and L.E. Olive  
Born Oct. 9, 1868 - Died Sept. 8, 1887  
"Gone But Not Forgotten"

Then Louisa knelt over the fresh mound of earth that marked her treasure and sought in prayer, as she had so many times before during the recent months, the answer to her question, "Oh, dear God, what have I done that has so offended Thee?"

But from the stillness of the tombs came no answer, even Print's oft quoted adage, "Weep Not for the Dead, Help the Living," giving small comfort to her in the many months of her distress.

## Chapter XXII

Three years before Billy Olive's tragic death, Print met Martin Culver at *The Globe* office one month in the middle of that summer, 1884. Culver unfolded some plans he had under his arm, the drawings of a townsite, a new trail town on the Kansas-Colorado state line, north of the Santa Fe tracks on the Arkansas River. The point would intersect the new and much-discussed National Cattle Trail, he told Print, and the shipping point could easily become the new "Cowboy Capitol," replacing Dodge as the nation's greatest cattle shipping point. Culver talked with animation and since he was a Texas man and a cowman himself, Print listened. The idea sounded so good Print told his friend, "Deal me in." There was a discussion one night as to a good name for the new town. Culver City, was suggested, but quickly put down by Martin Culver.

"Then call it Trail City—that's what we're all calling it anyway," Print joked. And Trail City it became.

That fall at the St. Louis Convention, the National Cattle Trail had become the second most popular subject for the trail men to discuss, only crowded range and cattle prices pushing the new Cattle Trail and its potential trail towns out of the conversation.

Assisting Culver in the promotion of the new town was the firm of Smith & Bennett, land agents. Incorporation papers were now being drawn up for the Trail City Town and Improvement Company, with a capital stock of \$20,000.00. H. P. Myton, the registrar at the U.S. Land Office at Garden City and also a cowman, had become interested in the promotion. W.S. Smith of the land firm, Bob Beverley, and Bob Wright, as well as other Dodge men, were now buying shares of stock. The land had been purchased for the townsite, "in and near section 17, township 23, range 41 west, in Bent County, Colorado," as the papers read. Two hundred shares of stock were to be subscribed at \$100 a share.

When Print made a trip to the location, he found it just as Culver had described it to him. The land site lay three miles west of Coolidge, Kansas, on a flood-free area north of the Santa Fe tracks, just inside the Colorado state line. Both Beverley and Wright, who had accompanied the party on the trip, regarded the enterprise with great favor. Both also made investments in the capital stock of the company, like Print taking town business lots and residential sites for their money.

The townsite soon became a beehive of activity as other businessmen from nearby points took sites, commenced building. By September of 1885, a number of good sized buildings had been erected, among them Print's big stable and wagon yard with the pole corrals at the rear which he named the Trail's End. He had a good windmill erected which produced fine, sweet water from a shallow depth in the river sands.

Trail City was so laid out that the back doors of the business houses on the east side of the main street, called Trail Street, opened out into Kansas while the traffic coming through the front door came in from Colorado. As the bottles were tossed out the back door into "dry" Kansas, the remark was frequently heard to "toss 'em into Kansas, there's nobody there nohow but sunflowers and sons-of-bitches!" It was the Texas cowboys' benediction for a state that had outlawed trail driving and whiskey-drinking within its borders.

In a second, smaller building on the west side of Trail Street, a block north of his barn, Print opened a saloon, which he named The Longhorn. It had not been exactly the type of business venture he wanted, but the proof of its worth was in the profits created, and he had examples of men like Chalk Beeson, W.H. Harris, Bat Masterson, Luke Short, and others who had cleaned up, in a season or two in a saloon, more money than a cowman would earn from his risks and labors in half a lifetime. But he balked at opening a dance floor or allowing women in the place and maintained it strictly for the cowmen. It was a pleasure for him to work among the friends of his youth, all grown older now, and buy them a sociable drink at his bar. From the very first his stable and wagon yard attracted the trail crews who came in for supplies and overnight visits to the new trail town. Scores of the cowmen and their riders he knew personally,



and most of the others had heard of him and his old outfit from the Brushy Creek area. The cowmen watered their herds at the river, usually crossing over in the evening and making a high, dry bed-ground north of the river for the night. The cowboys would ride into Trail, all but the night guards, turn their saddlehorses into the corral at the Trail's End, and head for the saloons. Print's partner in the saloon, Walt Hart, took care of the bar business and Print took care of the stable, aided by Sam,<sup>1</sup> his colored man, and Mook Jackson, the night man, with two or three part-time helpers. C.H. Marselus, brand inspector for the Northern New Mexico Stock Growers Association, maintained an office at the Trail's End and cut all trail herds between Borders and Trail City, turning back all native stock picked up by the Texas herds along the way.

Martin Culver's big hotel building stood on the corner a block north of Print's stable, a fine, limestone block building second only to the Silver Star at Coolidge. Next the hotel, Richmond and Dunbar opened a real estate business, and next to them, on a double lot, H.M. Beverley established his general merchandise store. Bob Wright had opened a large trail-outfitting store, similar to his successful enterprise in Dodge. When the railroad had constructed a siding, built the stock yards and loading chutes, many more business firms from the area invested in Trail City real estate and opened businesses. Martin Culver put up a large saddlery and harness store, employing five full-time leather workers. Joe Sparrow, Print's erstwhile trail hand, came up from Indian Territory and opened a saloon and dance hall. His emporium was on the east side of the Trail Street, across and south from Print's saloon. Joe rented a large frame room, partitioned it and provided sleeping rooms at the rear for the trollops he employed, using the front space for his bar.<sup>2</sup> The place became one of Trail's rowdiest joints, with bickering and contention between the girls who worked there and fights among their admirers and lovers. And as Joe became one of Trail's substantial saloonkeepers, he began throwing his weight around. But his reputation as a deadbeat had followed him to Trail City.

The town now had a resident population of 200 and a transient population of 300 or more, putting 500 or more people in the place during the busiest parts of the shipping season, June, July, and

August, when the Texas herds arrived. Nearly all the Dodge City redlight women at some time came to Trail in their pitiful attempts to recapture their youth and the easy money the Texas trail herds brought in their drag. Abbie Green, Emma Brace, Bedelia McKinney, May the Innocent, Grace Roy, Mattie Prince, Sadie Burr, and others saw Trail City at one time or another and their procurers and gambler friends also paid court in the town, Bobby Gill, Good Eye, Badger Jack, Skinny Nose Slim, Texas Jack, Rowdy Joe Lowe, Tom Small, and the Cimarron Kid commuting between the old Cowboy Capitol and the hopeful Colorado trail town. Of Trail, they all said, "The boom's on! I want my share of it!"

Print, too, traveled back and forth between Trail City, Dodge City, and his ranches on the Sawlog and Smoky Hill that spring and summer of 1886. No sooner had he commenced enclosure of the two sections of grasslands on the Smoky Hill ranch than settlers, during his absence at Trail City, carried away most of the lumber in the immense cattle sheds on the ranch. Since the ranchhouse was mostly of limestone rock construction, it was fortunately spared. Print was hurt and angry at the mean act on the part of his neighbors. Poor as they were, and needful of lumber to roof their sod homes, Print made no effort to conceal his feelings of disgust at the grand larceny.<sup>8</sup> Since the lumber was now concealed in their homes and rooftops, he could make no proof of the theft, as the lumber was unpainted white pine. While working some cattle in the corrals at the Middleby & Lang ranch, Print expressed himself before several cowmen who were present. Among them was a big young man, Joe Wedge, who weighed 240 pounds and whose practice it was to lean a two-by-four white pine board against the side of a building, then hit it with such terrific force with his fist that he shattered the board. Joe had frequently demonstrated his power in other ways, tossing some of the tougher cowboys in rough-and-tumble play. Wedge had come out from Boston to help the Lang boys look after the firm's cattle. He had heard of Print Olive by reputation, and when he heard Print make the remark, charging the neighboring settlers with theft of his lumber, Joe Wedge hopefully stepped forward to challenge the slight cowman and, perhaps, build his reputation as a fighting man. Print, at the moment, was astride his cutting horse,

and Joe Wedge now strode over to where he sat at the corral gate, letting the animal get its wind.

"Would you care to repeat what you said a minute ago about the neighborhood hereabouts being filled with thieves?" Joe asked Print.

Print looked down at the stout fellow, saw that Wedge was hankering for a fight, a fist-fight, Print surmised, since the big man was unarmed. Print's six-gun hung handily in the saddle holster, a few inches from his hand. The men at the corral had now gathered, the cutting work stopped. All sensed a fight.

"I can't say I see it's any of your business," Print answered him deliberately, "seein' as how your name wasn't mentioned."

"That's th' point," Wedge said, "I plan to make it my business." He stood spraddle-legged, fists doubled up in the manner of a pugilist ready for action. "I heard one rancher say your name wasn't so clean, far as horse-stealin' was concerned," Wedge added, pushing the fight.

Print toyed with the idea of shooting the bully down as he would a hydrophobia skunk. But he knew the consequences if he was ever to enter another settlers' court. Instead, he reversed his quirt in his right hand, grasping the switch end in his right hand with the shot-loaded butt hanging down as a club. Then he stepped quickly down from the saddle to face the Boston boy who moved in ponderously, his huge right fist drawn back for a head crushing blow. Instead of retreating before the advance of Wedge, Print stepped in quickly and struck Joe a terrific lick with the quirt butt across the eyes and bridge of the nose.

The blow failed to knock Wedge down, but it dimmed his sight for the moment and left him addle-headed. Print side-stepped his rush, again caught him with the quirt butt, this time behind the left ear, bringing him to his knees. With this opportunity, Print now quickly struck Joe three hard blows in succession with the quirt butt across the back of the neck and head. Wedge fell forward into the manure and dust of the corral, still not unconscious, but unable to rise.

Now Print moved around in a position to deal a hard kick or two with his boot heel to the big man's jaw, for he knew he would have

to beat and kick him half to death lest the big fighter regain consciousness and again have the upper hand in the matter. But as Joe's head was lifted slightly above the ground, Wash Mussett, a visiting cowman, and others took Print by the arms and shoulders and pulled him away from the bleeding form on the ground.

"He's had enough, Print," Mussett said, "and he sure as hell deserved it."

It was the last trouble anyone had with big Joe Wedge on the Kansas range.<sup>4</sup> He soon returned to Boston, where bareknuckle fighting did not include the use of quirts, boot heels, and spurs. The scrap was mighty convincing to the cowboys who were present and had heard Olive described as "one tough hombre" but had never understood how such a small man had earned such a big reputation.

Back at Trail City in early August, Print leased out the livery and feed business, turned the saloon business over to his partner to operate through the winter. The trail business had ended for the season, and he was happy to be able to return to Dodge and the family. At the stable, late that Monday night, he was packing some of his gear to return with him when the barn man, Mook Jackson, nudged him and whispered in his ear.

"There's the feller beat you out of that feed bill," Mook told him. Mook had previously mentioned a "big, fine lookin' feller, look like he could afford to spend a quarter on his hoss," who had slipped away in the night owing a feed bill. Now Print looked quickly and was startled to find himself looking at the back of Joe Sparrow, who was quietly leaving the building. Print called to him.

"Mook tells me you owe a bill here," he said to Joe.

"Hell, you know I ain't got no money, Print," Sparrow answered. He did not deny he owed the bill or had pulled the sneaking trick of trying to evade payment of the bill.

"You know I don't do a credit business, Joe, not with trail men or local men either," Print said.

"I cain't pay you now," Sparrow replied. "I taken on a load of debt to keep th' business goin'."

"You better get me some money, Joe, even if you have to borrow it," Print said, now becoming angry at the way Sparrow was stalling about the debt. "What's more, you better get that other ten spot

you've owed me for years. If you'd quit playin' the deadbeat and pay up your bills you'd get along better," Print said bitterly. Sparrow only walked toward the door as though he hadn't heard. Print followed and faced him in the doorway, angry, ready to fight.

"Just cough up that money, Joe, right here and now," he said, holding out his hand, palm up.

"I swear, Print, I ain't got a cent, honest to God," Sparrow hedged, turning his pants pockets wrong side out as if to free himself of the debt by a plea of poverty. The act was disgusting to Print. He reached into his own pocket and withdrew a silver dollar.

"Here," he said facetiously, "if you're that damn broke, go buy yourself a square meal." Sparrow flushed angrily and turned away.<sup>5</sup>

"I'm leaving Trail tomorrow, Joe," Print now said coldly, "so you get me that money or one of us will leave here in a box!" Turning to the barn man, Print said, "If this man comes in this barn again, Mook, kick his lazy ass out!"

Sparrow pulled his hat down against the hard wind that was blowing outside and left, saying no more.

"You'll never get your money from that one," Mook said. "I knew that the fust time he hooked you."

"Probably not," Print answered, "but that's the last cent he ever gets from me!"

Print had made arrangements with the hack driver, Murph Ward, to take his baggage to Coolidge, where he would board the evening passenger train to Dodge. On his way back to his house, he passed by his saloon and stopped in to chat with Walt Hart for a few minutes. He told Hart of the quarrel with Sparrow, asked him to take Sparrow's money in event the big four-flusher decided to leave it at the saloon for him.

Hart shook his head when he heard Print's story. "He's no damn good, Print. He's been around town all day with that other no-good—John Stansfield. Both drinkin' and braggin'. It'll pay you to watch that pair!"

Print continued on his way home, passing by Sparrow's saloon and dancehall across the street. The place was buzzing like a beehive, the tinny piano tinkling out a barroom version of "Barney McCoy," with the shrill giggling of girls and boisterous laughter of

the men accompanying its lurid melody. The remark that Walt Hart had made about John Stansfield and Joe Sparrow now came back to Print as he glimpsed the pair in the room through the open door, each with a bottle in his hand.

Stansfield was a big, florid-faced man who came up to Trail City from Hamilton County in Kansas for a periodic binge. Though an illiterate fellow, he had somehow wangled the office of register of deeds in the county seat war which had been waged in that section. On previous visits he had paid Print's saloon several calls, but on the last trip had gotten drunk and become such a nuisance that Print and the bartender ejected him bodily from the building. The town gossip was that Stansfield had not forgotten the saloon men for the indignity, had even threatened them, though not to their faces. And little did Print care. It was interesting, however, to Print, to know what sort of men Sparrow would team up with while in his cups, since a man's true character often presents itself that way.<sup>6</sup>

The clamor made by the drunken men and women as he passed the row of saloons and dancehalls, their coarse merriment, the raucous music from the fiddle strings in the music boxes as the un-resined rollers growled down over them, the hammering of the piano keys, the drums, all the other discordant sounds, surely must be the noises of bedlam, he thought, as he resumed his walk toward his house. For the forty-six-year-old Prentice Olive realized how tiresome such antics could become. Print knew that what had brought him to the trail town in the first place was the desire to be again with old friends he had known many years like Martin Culver, Bill Beverley, and other Texas men, probably the desire to recapture some part of his youth as much as to recoup a fortune, though both played their part. But youth had slipped all too quickly from him, in the Army camps of the Confederacy, in the cow camps along Yegua and the Brushy, and on the many cattle trails. He realized firmly, now, even if too late to profit from the discovery, that the main goal in a man's life should be achievement, the recognition that came from good works, well-done in life, not just the preeminence that riches afforded a man. For he had once had the wealth, and all it had brought was the disintegration of his family and the jealousy of neighbors, relatives, and friends.

But to recapture a youth that had mysteriously vanished as a morning fog, almost before his eyes, this had been the lure that had brought himself and probably others here to Trail. Print followed the thought further as he walked slowly up the path to his house. Always before, he told himself, he had pursued only financial success, through the love of his cattle and the security they seemed to provide himself and his family. But he had mistaken this wealth, that grew and grew beyond his greatest boyhood dreams, for true happiness. That was a weakness of mankind, even from the days of rich King Midas whose lovely daughter the avaricious old king had turned to a statuette of solid gold before his own eyes. And as Midas had traded his beloved child for a mess of pottage in the form of great wealth, had he not traded his own son's freedom and happiness for the same pottage by his neglect of Billy during the cruel winter of 1885-1886 when he left him on the range with his friend Dave Harrison to salvage what was left from the cadavers of his dead cattle? Could he only bring Billy back to his home, see him through his trial, help him regain his own self-respect and esteem, it would be worth all the wealth the family had left.

As Print walked slowly along the path, his self-recrimination grew from a full conscience, and his mind dwelled on the possibilities of returning Billy to their home. He recalled James Olive once telling himself that "men waste too much time earning a living and not enough time enjoying life with their family and friends." How true was that statement, and from a man like his father who had lived a happy home life from its beginning to its end, yet had known loneliness in his early manhood. Print thought of his own life, absent the many, many months on the trail or on business trips. Only a father's love and understanding and attention could now help Billy regain his stature from that of the outlaw he had sentenced him to become.

Print's mind went back to the attack on the Olive Pens and the death of Jay, his brother. It had been his fault, his hope to draw the night riders into their trap that had brought Jay's death. He thought of Bob's untimely death in Nebraska. That, too, had been engineered accidentally by himself, he reflected. Had he taught Bob respect for life, the lives of others as well as his own, he could have prevented Bob's early death. Much of the family's trouble had been his own

unconscious doing, he now realized. And he had hurt worst the very ones he loved most. Was it always this way, he asked himself. Though late, he might now rectify the wrong he had done his son in sending him down the outlaw trail. He had done it only to help Billy, but Billy was as surely treading the dangerous path of outlawry as though he had been trained for it. He must somehow help Billy find the road back, he resolved—as Louisa always said, “with God’s help.”

Just the resolution buoyed his spirits as he approached his house in the dark, its dim light beckoning. But this must happen soon, Print told himself, for Dr. McCarty had warned him again in April to slow down, to relax, to free himself of the worries over the market fiasco, his cattle losses, and the huge unpaid mortgages held by his sister-in-law, all soon coming due. Adding to his nervous condition was the rheumatic stiffening in his back and joints, the results of a thousand nights of exposure in the cold and rains, sleeping on the wet ground. The elasticity had now left his muscles. Only the stubborn determination of early middle-age sustained him—and his great hopes. The youthful vigor had been expended in the swamps and bayous of the southern battlefields of the war, and the sharp edges of his young manhood were worn away in the cattle wars of Texas. That resilience then so calmly accepted had been stretched and pulled apart in the thousands of battles with the powerful, horned wild cattle in the thickets and the clearings along the Brushy and Yegua. No longer was there an elastic quality, as in a good rubber band, for the tension was lost for all time, leaving only the solid material of his great hope lying undisturbed within, but unfulfilled.<sup>7</sup>

The ladder of financial success was built of many slippery rungs, an undependable, shaky, dangerous object upon which to climb. Now Print doubted if it were worth climbing in the first place. The only reward had been Yankee gold, what it bought, but a questionable yarn from which to attempt to weave the fabric of happiness.

As he drew near his house, the memory of the shootings and killings of the past weighed on his mind as he recalled Fream’s, Turner’s, and Crow’s ugly ends. He thought of foolish Bushy McGuire, his futile death; of Cal Nutt and Fred Smith; of the two Kelley brothers and of Jim Kennedy’s lethal attack upon him. Always there



had been danger—from a Mitchell or a Ketchum or a Big Joe Wedge, building his bully's reputation. And now here was Billy's tragedy to upset him. Had I been a better father, my son might have been a better man, Print thought. Then like a typographical error that had once amused him, his mind commenced to play back and forth like an endless chant My Son—My Sin—My Son—My Sin—until it was only with difficulty he threw the thought from his mind.

He had sent Bob as a fugitive from Texas, fleeing from the Texas Rangers. Now he could not stand back and permit his own son's ruin as he had unconsciously aided his brother's. He must save Billy for the family—and for his own self. He must rectify the wrong done Billy's friend, Dave Harrison, as nearly as it was humanly possible to do so, through Billy's salvation. For never before had an Olive taken the life of a true friend.

Lanky Sam Johnson, Print's colored man, was waiting on the porch as Print stepped up the board walk to the house. By Print's firm steps, Sam detected some decision had been made by the boss, and as they stepped into the kitchen together he waited for Print to extend his thoughts. There were few secrets between Print and Sam, and now that he had resolved his own mind on the matter of Billy, Print poured out his plans to the colored man. Sam listened intently to Print's talk, then nodded agreement.<sup>8</sup>

"Tha's right, Mista Print. Willy is still jes' a boy. And he is a boy wid a good upbringin'. He got a long and good future ahead if he get set straight right now. I know dat boy since he a baby, an dey not a mean bone in his body—jes de usual cussedness and debblement!" Sam laughed and Print joined with him. Print then outlined details of his hope to bring Billy back to trial for the senseless killing of Dave Harrison.

Sam puffed steadily on his pipe and nodded agreement. He knew well the inner qualities of the slight man sitting on the edge of his chair, earnestly telling him of his hopes and plans for something better for his wife and family. He had been helped many times by this sympathetic man whom many thought hard, bitter, and sometimes cruel, and he had only been able to repay him with small services, readily rendered him. He listened now, attentively, and with respect, as his old trail boss's hopes came gushing out. And he

saw how the building rocks of Print's hope were erected ahead of him, making a causeway to a distant future across the slough of despond which he frequently faced in the very real present.

When Print had talked himself out on the subject, Sam made coffee and the two sat in straightback chairs on the porch in the cool of the August night and sipped from their cups. A spell of introspection caused a hush to fall over their conversation and they sat lost in reverie, Sam reflecting back over the years about his boss and the great respect he felt toward him, even with the knowledge that Print had killed black men and white alike when they had attempted to injure him, his herds, and his family. As the talk resumed, Print related the quarrel he had engaged in with Joe Sparrow. Sam mentioned the talk he had heard down town.

"‘The Bird’ fixin’ to make a rep fo’ hisself, Mista Print," Sam warned. "It sho pay you to do like Mook say, ‘watch out fo’ dat one.’" Sam used the name by which Sparrow was becoming known at Trail City, The Bird. He knew Sparrow's background riding bodyguard for Thurman, the KH foreman. Sparrow was twenty-two, then. Now he was twenty-four, harder, tougher—and as Print said, "much lazier, if it's possible for him to be." Sam continued to warn Print against him.

Print absently puffed on his pipe. His mood was mellowed as he viewed a more harmonious future, with Billy's problem now substantially resolved in his own mind.

"No, Sam, I'm not going to make any quarrel of it with Joe or anyone else. I'm wipin' the slate clean. When I leave Trail, there'll be no debts behind, and no one owin' me. I told Joe to rustle up my money but hell, he'll never raise a cent. All right, so far as I'm concerned our debt's settled. I'm canceling all debts to deadbeats as of now. I've more on my mind than a silver dollar someone owes me for a feed bill. What Joe owes me is chicken-feed to what others owe me. But from now on, that's 'dust on the trail' as we used to say."

Print slept late the following morning. It was Monday, August 16, 1886, the day he was to leave Trail City, to return to Dodge. When he arose, Sam had a good breakfast waiting for him and Print's bags were packed. He shaved, ate, and changed into a neat, gray business suit. Sam shined the black boots and brushed Print's Stetson. The

weather was August-hot, and Print laid his coat and vest upon the baggage, rather than to wear them. He turned to Sam.

"Sam, you better get yourself ready, too, and take the bags over to Coolidge station in time to catch the train. I'm takin' you back to Dodge with me. Old Mook can look after the barn." Print smiled at Sam's happy grin to know he was also returning to his home at Dodge. "Louisa tells me Mattie and the boy want to see your smilin' face around the house again," Print continued as Sam nodded and showed a white smile.

"Mis' Louisa always been mos' thoughtful," Sam acknowledged, carrying the bags to the doorway and folding Print's coat carefully and laying it on top. "You, too, Mista Print," he added, with no tone or appearance of servility, "you been mos' kind to me and my people." Sam was thinking of his pretty light-skinned wife, who worked as a domestic in the home of Print's friends, the Beverleys, in Dodge. "I'll tell you, I'll be mighty glad to see Mattie again!"

Print thanked Sam and strode from the house into the hot wind and dust, a warm feeling in his heart for this tall colored man who understood him so completely. As he thought of Sam's honest compliment to himself, Print's mind flashed back to another colored puncher, Jim Kelly. He wondered how the lanky bronc rider had fared these past few years. Without doubt, he said to himself, these two colored cowboys had been the most loyal, faithful, and honest friends of his lifetime, comparable to such esteemed friends in the white race as Frank Condron, Jim Shaw, Lee Moore, the Stiles brothers, Gene Lyons, Ricardo Moreno, Barney Armstrong, Fred Fisher, Greenup Kuykendall, and Fred Wade. These two colored punchers had asked nothing in return for their loyalty but common respect, and each had earned every small kindness he had been able to show them many times over. Print shook his head as he thought of the dull and false stereotype most white men carried in their heads about Negroes. They had never lived with colored men, never rubbed stirrups with them on the cow hunts, never shared their companionship and friendship as they had with their fellow white men. Partitioned off into separate bins, their primitive ignorance—and it was true of both colors!—had created an artificial chasm that could not be bridged nor crossed short of complete acceptance of one

another on a basis of individual worth and character. He had learned that for himself, after a bad start, Print thought, where he had to separate the sheep from the goats in dealing with men of all colors. A man like Sam—or Jim Kelly—how would you compare them with a man like Joe Sparrow, for example, any more than you would judge cattle by their spots and streaks? A white bull might lead a herd all the way to Abilene or Dodge—but it was as likely to be a black steer, or an orange or roan cow, or a *hosco-golondrino* muley, for no one could tell the leader when the herd was first turned north on the trail.

It was an extremely hot, dusty afternoon, and as he turned south down Trail Street he pulled his hat down tight over his forehead to guard his eyes against the searing wind and swirling dust from the street. When he approached the Longhorn Saloon, he glimpsed Joe Sparrow through the north window, his back turned to the bar. Alongside Joe stood his crony, John Stansfield. Print was surprised to see Stansfield back in his saloon after the rough treatment dealt him a few days before. The thought ran through his mind that Sparrow had no doubt concluded to pay up his debt to Print before he left town and avoid further recrimination. Well, if Joe saw it that way, so much the better. For he wanted no more trouble, with Joe Sparrow or anyone—just wanted to clean up Billy's problems and find himself some peace of mind. He would gladly buy the drinks, set up the cigars, and leave Trail City without malice. But so far as John Stansfield was concerned, Print reserved judgment, and he didn't like Joe's action in bringing the big, grafting snoozer back into the saloon with him. He wouldn't make an issue of it, he promised himself, for it " 'ain't my town no mo'." They'd have to do in Trail like the Nebraska man told Bob, let the porcupines sleep together until they found out whose quills were the longest. Then they could make their own peace, each with the other.

As Print approached the saloon steps, a moving object to the south caught his eye for an instant. Through a cloud of dust he saw Mook, the barn man, standing in the big doorway to the stable, his figure outlined against the blackness within. Mook was signaling vigorously with a large, red bandanna, waving it in circles above his head. Print was puzzled. He promised himself that as soon as he

finished at the saloon he would walk down to the barn and see what funny old Mook was fussin' about this time. He drew his own handkerchief from his pocket and waved a brief acknowledgement, then wiped the perspiration from his hat band and forehead with it.

Clamping his hat on his head at a jaunty angle and brushing the white alkali dust from his shirt front and trousers, he stepped up the wide limestone steps and through the open saloon door to greet Joe Sparrow.<sup>9</sup>

# Notes and Sources

## CHAPTER I

1. *District Court Records*, Las Animas, Colorado (Bent County), Entry No. 1, Case No. 408, Book B, The People vs Joseph J. Sparrow, charged with murder of I.P. Olive, te Capis Issue, hold the body without bail, Sept. 3, 1886. Entry No. 2, defendent pleas is poor man and court appoints his defense. Entry No. 3, (March 4, 1887) found guilty of murder in the first degree. Entry 4, motion for a new trial; Entry 5, (Sept. 4, 1887) motion for Change of Venue heard and ordered to District Court at Pueblo, Colorado. J.W. Beatty, president of the Bent and Prowers County Cattle and Horse Growers Association, was jury foreman. John Lee was foreman of the grand jury which brought the indictment.

*Border Ruffian*, Coolidge, Kansas, Aug. 21, 1886, published the first of the erroneous news stories started by John W. Jay of Las Animas, the *defense attorney* for Sparrow. To wit: "Olive is the man who some years ago, as sheriff of a Nebraska county, burned a horse thief at the stake." Jay had this false story put on the press wires.

*Globe Livestock Journal*, Aug. 24, 1886, Dodge City, carried story of Olive's funeral at M.E. Church, conducted by Rev. G. Lowther and Rev. N.G. Collins, of the Baptist Church. The Corona Lodge, No. 137, I.O.O.F. attended in a body, headed by the Granger Cornet Band. Attendance was large. The Odd Fellows memorialized Olive, "deploring the manner in which he was slain. . . . that he has shown great bravery, was possessed of many qualities both of head and heart, and has shown himself a worthy brother and member of our Order, and we cheerfully record to him the many virtues he possessed. He. . . has ever been a kind and affectionate husband and father. . . and we extend to his family our abiding sympathy. . . and order that a copy of these resolutions be spread upon the records of the Lodge and. . . handed to the city newspapers. . . ."

*District Court Records*, Pueblo, Colorado, December, 1887, The People vs Joseph J. Sparrow. G.D. No. 2571. At this second trial, the

jury "agreed to disagree," and a new trial was ordered. The jury voted 7 to convict; 1 for manslaughter; 4, acquit. The prisoner was held under bail.

*District Court Records*, Pueblo, Colorado, May, 1888, *The People vs Joseph J. Sparrow*. At this third trial the great expense to the State of Colorado was an important factor in the ensuing verdict which freed Sparrow of the charge of murder against Prentice Olive.

See *Pueblo (Colorado) Daily Chieftain*, issues of Dec. 14-15-16, 1887 for summaries of testimony at second Sparrow trial and issues of May 4-5-6, 1888, for details of last trial.

2. Al Olive told of his father's love from infancy for the great horned cattle and the security his father felt with "plenty of bread and milk on the kitchen table."

3. *Biography of a Country Church*, by Garland A. Hendricks. James Olive, progenitor of the Olives of this book, arrived in America from England in 1740. He came to North Carolina from New York State. In 1790, the first North Carolina census listed two James Olives in Wake County; also several Olliffs, Oliffs, and other variations.

4. *Texas Scrap Book*, D.W.C. Baker, pp. 342-44, "Ad Lawrence's Ride." Lawrence's gravestone is in Lawrence Chapel Cemetery, near Thrall, Texas, the name on the marker spelled Laurence.

5. Hackett, *Pichardo's Treatise on the Limits of Louisiana and Texas*, Vol. II, 106-343; also Bolton, *De Mezieres*, Vol. II, p. 281.

6. In old age, Henry Strain was cared for by the family of Carl Lawrence, kinfolk of Ad Lawrence, in the old Olive Community. Carl Lawrence now owns and farms the old I.P. Olive ranch.

## CHAPTER II.

1. All Williamson County, Texas, brands of cattle and horses in this work are from the Brand Books at the Williamson County Court House, Georgetown, Texas. See Appendix I, Contemporary Brands.

The OT brand had been registered Nov. 6, 1848, by S. L. Cox.

2. *District Court Docket*, Williamson County, Georgetown, Texas, Book 1, P.556, Case No. 93- (64).

3. They had two children: Allen E., b. June 1, 1859; Mary Texana, b. Feb. 12, 1861. The father, G. T. Wynn, died in a Federal prisoner of war camp at Kansas City, Mo., during the Civil War. He was a Confederate soldier.

4. See Lee Moore's *Letters From Old Friends and Members of The Wyoming Stock Growers Association*, S. A. Bristol Co., Cheyenne, Wyo. 1923. Moore was once an Olive herd boy under Print's *caporalship*. J. Frank Dobie calls Moore's humorous story "a classic of its kind."

5. Not all Texans favored the child labor of the cow hunts. One commentator, writing in the papers from DeWitt County and signing his name "Lunar Caustic," grieved that:

So far as I can learn, there is not a boy of American parent-age learning a trade or reading for a profession west of the Colorado river. . . our youths have souls above the mechanical arts (for) the little children, as early as they can walk, pilfer their mother's tape to make lassoes to rope the kittens and ducks; the boys so soon as they can climb on a pony are off to to the prairie to drive stock; as they advance toward manhood their highest ambition is to conquer a pitching mustang or throw a wild beef by the tail.

### CHAPTER III.

1. *Scrapbook* of Capt. Frederick Sovereign Wade, Doc. No. 347878, Uni. of Texas Library, Austin. Wade was born in Canada, Nov. 5, 1836, came to Illinois with parents at age 8, to Texas in 1857. Helped organize Williamson County Volunteers; enlisted in Co. E, 4th Texas Mounted Vols. In battles of Val Verde, Peralta, and Conley's Ranch, in New Mexico Sibley Campaign. Captured at Bayou Fordoche, Miss. Fathered nine children by two wives.

2. *Add Lawrence's Tales of Early Days in Texas*, by F.S. Wade. Compiled by Cortis Lawrence, April, 1942. True Copy as transcribed by Catherine and Harry E. Chrisman, in author's possession. Wade tells the story of the preparations, in this section of Texas, of troops to go to war.

3. Capt. Buckholt, 4th Texas Cavalry, was killed in action at Glorietta Pass (Apache Pass), in New Mexico, March 28, 1862. This was Frederick Wade's outfit in the war.

### CHAPTER IV.

1. *Parole Slip*, I.P. Olive, Archives and Records Section, GSA, Washington, D. C. Photostat in author's possession.



2. *Diary of a Confederate Soldier*, Walkers Texas Division, C.S.A., Capt. I.F. Smith, in author's possession. From the camp at New Delhi, La., Smith wrote in his little leather-backed Diary:

Friday, 10th (July, 1863) We remain in camp\*\*\*Two prisoners belonging to the 2nd Texas Infantry have just come in camp. They are paroled. They state that Vicks surrendered at 8 a.m. on the 4th\*\*\*with 30,000 troops, 16,000 effective men, 3,000 cannon. Their provisions gave out—nothing to eat but mules and a few beans. Also 4 oz. bread per day. The 2nd Texas fought in trenches 47 days, had their rations brought to them, did not leave their positions, were compelled to stand in water and mud knee deep. There were four (4) different Union charges made.

Saturday 11th (July, 1863) A number of prisoners paroled from Vicks this morning and they tell the same tale of woe. There were nine companies of Illinois troops in Vicks when she surrendered. They deserted, I think, from Union Gen. Sherman\*\*\*months ago\*\*\* Grant refused to parole them with the other forces as Pemberton requested, saying he would treat them as deserters. This is told me by *Olive* (author's emphasis) a member of the 2nd Texas who left Vicksburg day before yesterday. We are 35 miles from the city\*\*\*.

In connection with the above statement on "desertions" on the part of Illinois infantry, the State Historical Society of Illinois advises that Sherman's *Return of Casualties* shows only 2 officers and 39 enlisted men of the Illinois Infantry captured or missing during the engagement at Chickasaw Bluffs.

3. For details of these engagements and the part the 2nd Texas Infantry played, see Wooten, *A Comprehensive History of Texas*, vol. 2, pp. 579 ff. Also see *Battles & Leaders*,; and Horace Greeley's *The American Conflict*, vol. II, p-71, for the night march back to Corinth.

4. Cpl. Chas. I. Evans, Co. G., 2nd Texas, a friend of Print, took the colors from Higgins' hands. The previous day Higgins had picked up the colors from a wounded color bearer's hands; this day, asked again by his Colonel to carry the flag, Higgins responded, "I'll carry the colors into Vicksburg and on into hell if you dare follow them!" For his brave act he twice received the Medal of Honor, losing the first one awarded him and receiving a second one!

## CHAPTER V.

1. Grover Thomas, Rt. 1, Thrall, Texas, told the author of his father's experiences on cow hunts. Olive Brothers, he said, bought heavily from other cow hunters, took the stock to the Olive Pens, paid off in gold coin. Thomas, Sr., and other cowmen, feared the return to their homes with the gold, so Olive riders "saw them safely home." Greenup Kuykendall told his son, who wrote in a letter to the author, that Jay Olive's home was ringed with rifle ports for defense against the rustlers. Sam Abbott, early resident of the Olive community, said he had seen many bullets stuck in the walls of Print Olive's big log home.

2. *War Service Records*, Archives Section, GSA, Washington, D.C. There is a little limestone bench in the Lawrence Chapel Cemetery, now broken and weed-grown, inscribed "To My Beloved Wife, Mary Condron." Nearby is Frank's small limestone marker, the inscription barely discernible now.

3. The famous Olive Pens were eventually constructed on the high land north of the Brushy that lies at the southwest corner of the Alvah H. Stiles holdings, at Thrall, Texas. The big catch pens are mentioned by Hiram G. Craig, Brenham, Texas, in *Trail Drivers of Texas*, p. 340. Also see p. 635, "When Jim Dobie Lost His Pants."

## CHAPTER VI.

1. See Abstract of this sale, Ellyson Abstract Co., Georgetown, Texas. Ad Lawrence went to California, after the deal. There his wife died while the two were alone sixty-five miles from a doctor. He buried her by himself in a home-made coffin, then returned to Texas, broken-hearted. See Ad Lawrence's *Tales*, by F.S. Wade. Also letter from Sam Abbott, telling of Ad Lawrence's experiences (in Wade Ms. File, author's possession).

2. Marcus Snyder, son of Dud Snyder, used the "tough hombre" expression when telling the author and his wife of Print Olive. Marcus Snyder also said, "Print Olive didn't scare." He left the feeling there was little love lost between the Olives and Snyders, though his sister Mayme had married Jay's son, Ed.

3. This Walker stole a herd of cattle in Williamson and Lee Counties, drove them to Dodge City. Capt. Wemple, Sand Springs, Texas, trailed him, shot him to death in Dodge.

## CHAPTER VII.

1. *District Court Docket*, Williamson County, Texas, Book 3, p.448, Case 433, "dismissed by the county attorney."

2. The Smith family name is a matter of historical record, although the given names here are fictitious. There were scores of Smiths in the cattle business, the brand books registering 55 brands under Smith names. (Appendix I). The Smiths most commonly associated as Olive enemies were Curly Tom, no relation to Print's brother-in-law, William Thomas Smith, and Meg Smith. Curly Tom and Meg were both Olive enemies according to pioneers in the Olive community, like Dr. Ned Doak, interviewed by the author. No stigma should be attached to the honorable old name Smith in the Williamson County area, for most all of them were honorable and highly respected citizens.

3. *We Pointed Them North*, E.C. Abbott and H.H. Smith, p. 31 ff.

## CHAPTER VIII.

1. Connell (sometimes Cornell) was a veteran of San Jacinto. Connell and Gentry, summoned for the plaintiff, contrived to make the court action less difficult for an old friend, Jim Olive. This was G.D. 616, District Court.

2. *History of Custer County, Nebraska*, S.D. Butcher. James Olive told an *Omaha* (Nebr.) *Republican* reporter the details of this shooting. See pp.58ff. Al Olive verified it.

3. *District Court Docket*, Williamson County, Texas, Book 4, p.205, G.D. 576.

4. Carl Lawrence, Rt. 1, Thrall, Texas, told how his mother, once visiting with Print Olive's sisters as a small girl, complained with the other children that they had nothing to play with. Julia Olive reached under the bed, pulled forth a sack of gold Double Eagles. "Here," said Julia, "play like you're rich and in Paris. Buy anything you like."

5. *North From Texas*, James C. Shaw, p.13. Shaw tells how his father lost his cattle to these crooked drovers. A letter from Shaw to Riley Smith, son of Alice (Olive) Smith, now in the author's possession, says of the Olive boys: "I liked them very much, both Print and Ira were good friends of mine." Shaw was president of the Wyoming Stock Growers Association, 1918-19. He wrote of this misplacing of confidence on the part of his father, "The Olive family lived just north of

us and were good friends of ours, and good, reliable men, who would have taken our cattle and brought back the money, but my father picked the wrong men."

## CHAPTER IX

1. *District Court Docket*, Book 4, p.205, G.D. 576, March 17 (18), 1872.

2. *District Court Docket*, Book 4, p.208, G.D. 616.

3. *The Custer County* (Nebr.) *Chief*, Feb., 1912. The editor, Emerson Purcell, carried this story with Jim's death notice:

Nigger Jim had his faults—plenty of them. He sometimes made his bluff good and sometimes he had to look down the barrel of a .44 in the hands of the other fellow, but just the same Jim was a big-hearted nigger. No one ever heard him speak disrespectfully of a woman, and many times he got into a mix-up because some big fellow was imposing on a weaker man.

His career, if woven into a novel, would not have to be enlarged upon to make it a thrilling romance. (sic) His funeral. . . was largely attended by old timers who had seen him gradually softened from the lawless cowboy of the earlier days to a peaceful citizen, when he cashed in his chips at the age of seventy-three.

Russell Langford, Golden, Colorado, grandson of Russell Watts and Elizabeth Watts, famous Nebraska ranchers, as a boy once heard a colloquy between old cowboys Don McNaughten, Watts foreman, and Sigal Melton:

Sig: Did you ever run across a rider who could beat Nigger Jim Kelly?

Don: No, neither here, in Canada nor in the Argentine. None could ride broncs like Nigger Jim. Remember, he was the only man who ever rode "Chowder."

Sig: That's right. I tried "Chowder" once; he threw me and broke my leg.

4. *Midnight and Noonday*, by G.D. Freeman, Chapt. XV. In his account of this shooting, Freeman calls Olive, Oliver, a common error

which crops up in many news stories, in war records and in books. The map of the Smith-Olive Fight, at the Library of Southwestern Uni., Georgetown, Texas, is bungled with the added *r*.

5. *Ellsworth* (Kans.) *Reporter*, issues of Aug. 1-8, 1872, have a full account of the shooting and its aftermath. Walt Whitman in *Leaves of Grass* relates a similar shooting at Ellsworth with a different outcome: A shot B but failed to kill him. Citizens conferred, agreed A needed punishment. They held a trial. At trial, B shot A. Court was adjourned and they hung B.

6. "Dog" Kelley, mayor of Dodge, had thrown Kennedy out of his saloon for cheating at cards. Kennedy, in retaliation, shot into Kelley's house at night, trying to kill Kelley. Dora Hand, or "Fannie Keenan," as she was called, a dancehall singer, was that night sleeping in Kelley's bed in his absence. She was killed by Kennedy's bullets. Dora was at the time petitioning for a divorce from Theodore Hand, whom she had married in Missouri, Nov. 22, 1871. She charged abandonment and desertion and stated in the petition that he "was living adulterously with one Lizzie Lateaur, a woman residing in Cincinnati, Ohio." Harry E. Gryden, later judge, represented her case. Though built up for publicity purposes in a later age as a lady of great culture, education, and talent, the official document shows her barely able to sign her name. She did possess a fine voice and was well known around the variety theaters at that time. She was 34 years at death. Kennedy's father, Mifflin Kennedy, famous Texas cattleman, spent considerable money at Dodge and the son was freed, after being shot up by a Dodge posse. See *Ford County Court Records*. 1874-79 for divorce proceedings.

A brother of Kennedy, Tom Kennedy, was killed at Brownsville, Texas, April 16, 1888, by Jose M. deEsparzo, deputy sheriff, as Tom and de Esparzo's wife stepped from the ferry, returning from a ball on the Mexican side.

## CHAPTER X.

1. *Early Days In Texas*, by F. S. Wade, copy in author's possession. This compliment to Print Olive and Frank Condron is taken verbatim from Wade's work, as is the story of Wade's war-time furlough and the party.

2. Olive litigation not covered in the text of this story includes the following:

- a. Prentice Olive; assault fine, May 1866. (no other facts given).
- b. G.D. 1210 shown as "dismissed" in 1877.
- c. T.J. Olive vs Van Winkle and Slater, a civil case that Jay won. Van Winkle and Slater turned down on petition for new trial.
- d. State of Texas vs Shipworth and Donaway, G.D. 1047, Nov. 12, 1872. Prentice Olive, surety for Donaway, asks the bond money be returned after Donaway's appearance before the Grand Jury at which time he pled guilty. Prays that since Donaway was told, or led to believe, that the indictment had been dismissed, he believed himself free, and failed to appear at the trial.
- e. Jay Olive paid an assault fine Nov. 17, 1873.
- f. Bob Olive paid a fine of \$25 in a lawsuit tried July 12, 1875, G.D. 1236. No other details.

The Olive family's Jury Service Record follows:

<i>James Olive</i>	<i>I. P. Olive</i>	<i>Jay Olive</i>
Fall Term, 1863.	Petit: Nov. 1873	Petit: 1872 (defaulted)
July Term, 1864.	Grand: Mar. 1874	Grand: 1873 Petit: 1874
	Grand: July, 1875	Grand: 1875

It is indicative of the times, and the high regard in which the Olive families must have been held in their own county, that Prentice Olive served on the Grand Jury (though of course not on his own case) when his case, G.D. 1274 for "assault with intent to murder" came up. He was paid \$2. per day for twelve days' service that July 30, 1875.

3. *Taylor (Texas) Daily Press*, 80th Anni. Issue, Nov. 23, 1956. Tells story of W.H. McDonald later indicted for "assault with intent to murder" James Evans. He was tried Sept., 1876. McDonald won his freedom for a short time. On Christmas Day, 1877, he attempted to ride his horse through the grocery store of Tom Bishop. Bishop shot him dead. McDonald's grave was the first to be dug in the Taylor Cemetery.

4. Alvah Stiles, Taylor, Texas, told the author how his father and his uncle always respected the Olive families and dealt with them many times. The great acreage near Thrall, Texas, owned today by Alvah and Cecil Stiles, double cousins and both nephews of the Lee Moore of

this story, was a part of the pioneer acquisition by Stiles Brothers, cowmen. They branded with the numeral 80.

5. Bob Olive's wife's maiden name has never been known to the author; however, there were several families of Minklers in the region. She moved, with her daughter Virginia, to Wisconsin in the 1880's. No more is known of her.

6. *District Court Docket*, Book 5, p. 384, Cases 1274-1275-1277.

7. *District Court Docket*, Book 4, p. 384, Case 1480. The record states that Bob killed Lawson Kelley ". . . with a pistol, wounding him on the right side of the breast near the right nipple, wounding him to a depth of five inches and to a width of half-an-inch. He, Kelley, died instantly."

8. *Trail Drivers of Texas*, Boatwright's story, p.635. Also see Hiram Craig story, p. 340.

9. The author had long heard of this "green hide" story, but the first time he saw it printed was in J. Frank Dobie's *The Longhorns*, p. 222, with a variation on p. 236. In a visit to Dobie's home in Austin, in 1956, the author sought to find the source of this story. Dobie tried hard to recall the source (probably from the lips of some old cowman of the area) but had to give up after missing his dinner and thumbing through half the books in his enormous range library. He did, however, provide many other fine leads to Olive information and lore before we left his home, and his aid, and the great help drawn from *The Longhorns* and his other works, is hereby gratefully acknowledged.

10. *The Austin Statesman*, July 27, 1876, facetiously editorialized about the death of the two thieves:

The two men sewed up in the green cowskins and found thus helpless in the woods near Georgetown won't steal any more cattle for sometime to come. In fact, unless the Pythagorean doctrine of the transmigration of souls be well-founded, we may never more hear of these hapless fellows in these low grounds of sorrow.

## CHAPTER XI

1. Print Olive and Ham Bell became good friends. Bell was a Maryland boy who came west at the age of 20. In 1874 he bought the Blue Front Livery Stable in Dodge, later built the famous Elephant Stable

on West Trail Street, south of the Santa Fe tracks. His barn was headquarters for trail men for years. At his death Ida Olive, wife of Print Olive's youngest son, Al, said of Bell: "Probably the best thing we remember Ham Bell for was that he always laid a floral tribute on the casket of anyone who passed away in Dodge City." For Bell's story see *Lost Trails of the Cimarron*, p. 188 ff.

2. *The Austin* (Tex.) *Daily Statesman*, Aug. 11, 1876 noted:

The man brought down from Williamson County (Bob Olive) and examined on the charge of shooting a colored man has been remanded back to Williamson County for examination.

Also see *History of Custer County*. . . S.D. Butcher, p. 61.

The author believes this to be the foundation story for all the "nigger boy" stories told about the Olives. In these stories a colored boy, "raised by the Olives," sometimes called "Smith," is beaten with cattle whips, thrown in a cistern, hung, or otherwise abused and slain. Most of the stories are out of harmony with the facts.

3. *Letters from Old Friends to the Wyoming Stock Growers Association*. See Lee Moore's account of the fight at the Olive Pens that night.

4. J.E. Stiles, then living at his ranch northeast of the Olive Pens, told his son Alvah that "the braying of a jackass" saved the Olive boys that night. LeRoy Moore, son of Lee Moore who was with the Olives, also told the author in a letter of the part this jackass played that night.

5. This fragment from that night battle more than eighty-five years ago comes down to us through Myrtle Claire Smith who heard it from her mother, Alice Olive, Print's sister.

6. In his story, Lee Moore modestly refrains from telling of the night ride he made to Lexington to get a doctor for Jay Olive. In Sept., 1887, Moore made a harder ride from Sundance to Douglas, in Wyoming, a distance of 150 miles in eighteen hours. He made the hurried ride to testify at the trials of two men accused of horse theft in courts a day apart. See *Bill Barlow's Budget*, Anniversary Issue, 1907, Douglas, Wyoming.

7. *The Austin Weekly Statesman*, Aug. 10, 1876. The material read by Print to Jay is herein quoted verbatim from this issue.

Also see *History of Custer County*. . . , S.D. Butcher, pp.59-60. James Olive in 1878 tells of this attack.



8. The story of the lost gold watch comes down through the late Mrs. Lulu Burris, daughter of W.T. Smith and Alice Olive, who provided the author with a typewritten sheet, now in the author's files, in which she dictated the story as she had heard it from Print Olive's sisters and other members of the older generation in the Olive-Smith families. See Note 4, Chapter XII for contents of her story.

The late Al Olive recalled the betrayal of his father by the Smith brothers, aided by the Yegua and Dry Brushy rustlers.

9. *District Court Docket*, Book 4, p.129, G.D. 1481. On Aug.10, 1876, the charges state, Bob Olive and Sam Carr did "willfully assault Samuel Malone and Charles Haskell and with threats did imprison them against their will for two hours." This was the period in which Bob and Sam were searching for the murderers of Jay. For this, Bob got his name on the *Fugitive List*, Texas Rangers, as Robert A. Oliver.

## CHAPTER XII

1. *We Pointed Them North*, E.C. Abbott and H.H. Smith, p.33. The "Olive Pens" Teddy Blue referred to were seven miles east of present Haigler, Nebraska. U.S. Highway 34 passes across the area today, east of the yard of Mr. and Mrs. J.L. Roach. Mr. Roach an elderly rancher recalled the eroded butts of the several old Olive soddies there when he first saw the place.

2. *District Court Records*, Williamson County, Texas, Book 4, p.128, G.D. 1479. The State charged Bob Olive and Sam Carr, on Sept. 3, 1876, with murder, stating: "Olive shot Dock Kelley. . .in the breast, near the breast bone, near the left nipple" and added that Kelley "suffered from divers and several mortal wounds, one to the depth of five inches and a half-wide. He [Kelley] died instantly."

Summoned to court March 27, 1877, Bob failed to appear. Carr appeared and won acquittal. "There was no evidence to implicate Carr and Olive," said the *Galveston News*, Sept. 12, 1876, when the preliminary hearing was made in Justice Morrow's court in Georgetown. It was a cattleman's country, and a known rustler had no chance in the unsympathetic court.

3. *District Court Records*, Book 4, p. 127, Nos. 1458 and 1459 covers charges of assault and battery by Bob against Peter Zieschang and Ernest Poldrack, Sept. 24, 1876.

4. One of the most interesting papers coming into the hands of the

author during research on this work is a typewritten sheet, dictated by the late Mrs. Lulu Burris, Jacksonville, Texas, a daughter of Wm. Tom Smith and Alice (Olive) Smith, and made available by Myrtle Claire Smith, her sister. It is the story of the settlement with Fred Smith, relating the important events of the night at the Olive Pens when night riders killed Jay Olive (see Chapt. XI, Note 8). This document relates how a young couple at the time were married and moved into their new log house in the Olive Community:

One day the bride, while walking around the place, looked under the house and saw the newly-made grave! Nothing having been heard or seen of the "supposed friend," it was presumed that this was his grave. [i.e. Fred Smith's grave]

Carl and Sadie Lawrence, who live on the old I.P. Olive ranch, told how one day Carl plowed up old human bones on that area. The question arose in their minds, they said, whether the bones were those of an Indian burial or perhaps those of one of the innumerable "nigger boys" the stories mentioned the Olives having killed. "Could they have been the bones of Print's erstwhile friend, Fred Smith?" the writer asked Lawrence. "Could be," he replied.

5. *I'll Die Before I Run*, C.L. Sonnichsen, p.138. In this work, an honest toiler in the vineyards of historical research has erred in attributing this gathering of the clans to a trial of Print Olive, charged with the murder of Turner and Crow. Though Print was later charged with the death of Turner and Crow, this meeting between the two warring factions, and the town's marshaling of its citizens to prevent trouble on the streets that September of 1876, was occasioned by the calling of a Grand Jury to indict Prentice Olive for the murder of Red Banks and the wounding of Donaldson, the two negroes shot in the Olive ranch yard, and The Crow-Turner murder charge was eventually dismissed.

Also see *Galveston News*, "Williamson County's Correspondent," column, Sept. 12-13, 1876. Also see *District Court Docket*, Book 5, p. 520 and 521, Williamson County, Tex.

6. To illustrate how far the outlaws and rustlers had gone to arouse public opinion and draw the wrath of all honest lawmen and editors, *The Statesman*, Austin, Texas, recommended that:

. . . instead of hanging, have horsethieves and robbers surgically rendered incapable of crime and the procreation of knavery.

7. *We Pointed Them North*, E. C. Abbott, p. 32. Also see *Reminiscences of a Ranchman*, by E. B. Bronson, Uni. of Nebraska Press, 1961, p. 25. Bronson wrote of his pioneer cowboy experiences in Wyoming, ". . . and even (my holster) had to be stripped of its flap and rehabited in the new décolleté *Olive* scabbard." The Olive boys had long since found the old-style Cavalry Flap detrimental to the needed fast draw of the frontier.

8. *History of Custer County*. . . , S.D. Butcher, p. 60.

9. *The Record Stockman*, Denver, Colo., 1959 Annual, "Big Business of the Fenceless Prairies," by G.A. Lincoln. Lincoln tells of his mother being given two cows, "Blossom and Beck," by the Olives. She had saved the cows in a blizzard. Lincoln's father at one time rode for the Olives.

10. Many of the stories dealing with the Olives on the Dismal, Middle, and South Loup rivers came from the author's mother and father who arrived in Custer County in 1879 and 1882 respectively and developed the old Edom Ranch, eighteen miles north of Broken Bow, Nebraska.

## CHAPTER XIII

1. *District Court Records*, Williamson County, Texas, Book 5, p.558, G.D. 1210, "dismissed Mar. 28, 1877," the record states. Just a few days earlier another case against Print, G.D. 1429, "assault with intent to murder," had also been dismissed. These dismissals presumably ended charges against Print in the case of Fred Smith, for want of the *corpus delicti*.

2. The river north of Corral Canyon is today called the Republican River. Then, it was the Rock Creek Fork of the Republican. The south fork tributary coming in to the river west of Wray, Colorado, is today known as the North Fork. The fork to the north is now Chief Creek, and was placed by early cartographers as joining the main stream (the Rock Creek Fork) in the neighborhood of Corral Canyon. See Rand & McNally's *Frontier Atlas of 1876*. The town of Wray, Colorado, was named after Tom Wray, who guided the Olive outfit into the valley, not his brother, John Wray, as is frequently stated. This fact was given the author by Mrs. John Wray, Culbertson, Nebr., John Wray's widow; by Mary Wray Darnell, McCook, Nebraska, Tom Wray's daughter; and by Mrs. Frank Leu, North Platte, Nebraska, another daughter of Tom Wray.

3. Olive Creek, and the ranch headquarters, were at the SE $\frac{1}{4}$ ; sec. 5;

twp. 1; N1¼; R43, W, Yuma County, Colo. This is about two miles east of Wray, Colorado, at "Olive Creek."

4. *We Pointed Them North*, E.C. Abbott, p. 33. Teddy Blue tells of Leon's shooting. About 1925-27, the Nebraska State Highway Department at the Corral Canyon near Trenton (variously called also Sand Canyon and Trail Canyon), unearthed the skeletal remains of a man, buried with his boots on. This may, or may not have been Leon's remains. Al Olive thought Leon had been buried in H4 Draw. Fred Count, present owner of the H4 Draw, told the author old timers had spoken of "one of the Olives being buried there under the big cottonwood trees."

## CHAPTER XIV

1. *History of Custer County*. . . S.D. Butcher, p. 233-234.

2. *History of Custer County*. . . S.D. Butcher, p. 43 ff.

3. *Book of Facts*, Benschoter, and *History of Sherman County, Nebraska*, by Meroe Owens.

4. The role played by Judge Aaron Wall in the defense of these unsavory ruffians and rustlers will never be fully understood. Some old pioneers thought Wall the legal brain behind their activities. One letter in the author's files from a Nebraska historian tells of an eye-witness report of Wall moving from a house in Sweetwater that had a cellar, or cave, near it in which many calf hides bearing the Olive brand were found. Wall's adopted daughter, Minnie Wall, denied in a letter to the author that Wall had such a cave on their place. This much is known of Judge Wall's activities: He backed and defended the faction (Caple, Ketchum, Christiansen, Roberts, Mitchell, et al) that preyed on the Olive herds. He defended them in court, while serving as Sherman county judge. For better or worse, his name is forever linked with theirs, not with the cattlemen. The records show Wall was elected county judge of Sherman County though his established residence was in Buffalo County (at Sweetwater). The *Election Records*, Sherman County, Nebraska, Book I, Nov. 8, 1877, show that election returns of the precincts of Lower Loup, Upper Loup, and Oak Creek, then *comprising approximately three-fourths of the county*, were rejected "because of *informality* in the returns." Wall's political debt to the remaining two precincts, Clear Creek and Hayestown, adjacent to his former home at Sweetwater, in Buffalo County, becomes obvious.

Aaron Wall was an enigmatical historical figure, one Nebraska historian states. Though on the pioneer scene early and with the proper educational attainments to make a name and estate for himself, he did neither. He became a railroad attorney; he once served without particular distinction in the State Legislature. A brother, John Wall, a teacher, was regarded highly by all who spoke of him, whereas Aaron Wall's name only brought conjectures, little praise. The historian, Fought, in *Trail of the Loup*, fails to mention Aaron Wall, though he praises his brother. George Beschoter, in his *Book of Facts*, shows Aaron Wall to have been a windy sort, a braggart, and has him flatly contradicted in his story of the quarrel with "the Olive gang" by a lady who was present at the meeting of Bob Olive and Judge Wall.

Wall was born in England in 1849 and came to the United States in 1862, studied law at Plainwell, Michigan and practiced at Scandia, Kansas, and Lincoln Center, Kansas, in the year 1875. He moved to Colorado, then returned to Kansas, went to Nebraska and settled at Sweetwater in 1876, and Loup City in 1877, where he presided as county judge.

5. *History of Custer County* . . . S.D. Butcher, pp. 188-89. Tried for receiving the stolen beef (slow elk), Gebhardt said he ". . . pought der meat from Mister Ketchum for elect meat, he sells him for elect meat, und he says noddin else."

6. *Olive's Last Roundup*, Alonzo A. Jenkins, tells of the incident at the Christiansen place. The Nebraska Herd Law was enacted in 1870. It gave the settler who penned livestock running loose along the streams the privilege of "impounding" them, notifying the owner and holding them for "damages." This law brought all sorts of trouble in the areas where the "open range" was used by all livestock owners in common, cattle mixing until general roundup in spring and fall. A few of the more nervy settlers attempted an extortion business based on this law, and Judge Aaron Wall had promised them an effective Herd Law "if it costs me my life."

See *Letter* from Mrs. Minnie (Wall) Johansen, daughter of Judge Aaron Wall, in the author's possession.

7. *Pioneer Stories of Custer County, Nebraska*, "Early Clear Creek Days," by E. Mae Lowry, p.137.

8. *Frank Young's Notebook*, circa 1879-80, estimates for tax purposes the number of cattle on the Custer County range. He was county clerk at the time:

Olive Brothers .....	31,271
Durfee & Gasman .....	19,079
Erwin & Co. ....	7,277
Stuckeys .....	2,622
W.H. Boblits .....	154
E.J. Boblits .....	1,097
H.C. Stuckey .....	2,994
Stuckey & May .....	264
	<hr/>
TOTAL	64,758

9. Prentice Olive's I.O.O.F. Lodge affiliations were as follows:

Joined at Georgetown, Texas about 1875-6; deposited card at Corona Lodge, Dodge City, Kansas, Jan. 17, 1880; transferred card to Cozad, Nebraska, May 7, 1881; deposited card with Dawson Lodge, Lexington (Plum Creek), Nebraska, July 23, 1881; withdrew from Lexington, Nov. 1882; deposited card again with Corona Lodge, Dodge City, 1882.

10. *Pioneer Stories of Custer County*. . . p.146, "Reminiscences of Pioneer Days," by Berna Hunter Chrisman. Here, the author's mother tells Bob Olive's camphor story.

## CHAPTER XV

1. *History of Nebraska*, Andreas; *History of Custer County* . . . S.D. Butcher, p.43. These original sources give Olive this distinction. Fought, in *Trail of the Loup*, p.73, corrupts the original statement and makes Print Olive "the prime mover in the attempt to expel the settlers from Custer County."

2. The *Texas Rangers Fugitive List* of 1878 at Barker Memorial Library, Austin, Texas, gives his name Robert Oliver, Williamson County, Texas.

3. *Indian Depredations, Case No. 9910: Olive Brothers vs U.S. Court of Claims*, Dec. 4, 1893. Microfilm in possession of author. This trip, of 1879 started with so much promise, ended in disaster at Medicine Lodge, Kansas, when Cheyenne and Arapahoe Indians stampeded the herd of 700 head, drove them back into the Indian Nations (Cherokee Strip) where the trail boss, George M. Griffin, and his men, Marion being the only Olive along, spent six weeks trying to recover the stock.

Nearly two hundred head were lost. Also see story by the author, "Medicine Lodge Stampede," *The Hutchinson (Kans.) News*, Feb. 12, 1961, giving details of this incident on the trail.

4. *Custer County Chief*, Golden Anniversary Issue, 1942: "Stockham's Story." Sheriff Anderson knew Bob Olive only as Bob Stevens, so cannot be blamed for deputizing him for this task. Stockham tells of Ketchum's signature being on this forged bill of sale.

5. *Pioneer Stories of Custer County*. . . pp. 108-109, "My First Trip To Custer County," by John Scott. In this reminiscence, Scott tells of a visit to the new county during which his party stopped at the soddy of Mitchell and Ketchum, following the tragedy; Feb. 1, 1880: "There we got dinner and I wondered what kind of place we had got into. Rifles, revolvers, shotguns, and knives were hanging all around on the walls. That was the home of the men who killed Bob Olive, and who were later killed and burned *by the friends of Olive*. . . ." (The italics are the author's). John Scott was *not* a cattleman, *not* from Custer County. He was a *settler*, from St. Paul, 30 miles east of Loup City, unbiased and reporting only what he saw inside the home of the "innocent settlers," Mitchell and Ketchum. Mrs. Mitchell later moved from the claim to Loup City.

6. An old song learned in Mexican lower schools, called *Buenos Propósitos*, or "Good Intentions," sung by the Olive *vaqueros*.

Thanks we give Thee, oh kind Lord,  
Because today we can sing;  
Because today we can work;  
Because we have light and love.

## CHAPTER XVI

1. Judge Wall's defenders, and he had a few among the Clear Creek settlers, claim that his actions were designed to keep the settlers from being lynched by Olive cowboys. Since there had been no previous trouble between honest settlers and the cowboys, this excuse appears very thin. Whatever Judge Wall's actual design in hiding the murderers, his failure to stand by due process of law which he was sworn to uphold in Sherman County as an officer in the county, his refusal to detain the fugitives and to protect them from mob violence, sent them to their deaths as surely as though they had been tried and convicted in his own court.

This was the second time in the matter of months that Judge Wall introduced extra legal methods in defense of cattle thieves, first abetting the escape of Jim Roberts from Judge Hutchinson's court at Sweetwater, Buffalo County, Nebraska, in April 1878, now later assisting Mitchell and Ketchum to elude the law in November-December of that year. Wall made no effort to assist lawmen to arrest the murderers.

2. The first entry in the jail registry at Ogallala, Nebraska, was made by Sheriff B.J. (Barney) Gillan, Jan.21, 1878, for "bawling cattle," that is herding close to town where grass was ungrazed and better. He put three cowboys in jail.

3. *The Banditti of the Plains*, A.S. Mercer, pp. 73 and 190-192. George Dunning, testifying about the mob that killed Nate Champion (in the 1892 Wyoming Cattleman's War) and who were later penned up in TA ranch barn, said:

About 12 o'clock two men came from Buffalo and joined the mob; one of the men was Phil DuFriend [Phil DuFran]. . .

The leaders of the mob appealed to DuFran and his confederate (George Sutherland) to return to Buffalo and try to bring on a fight between the "rustlers" and the U.S. Cavalry to help extricate them from their disastrous position in the *cul-de-sac* of the TA barn. Sutherland returned to Buffalo.

Du Fran refused to return, saying (because of his craven association in the Olive lynching years before?):

"If the rustlers got hold of (Sutherland) all they would do would be to shoot him. But if I fell into their hands they'd burn me!"

Also see *The Rustler Business*, by Dr. Chas. B. Penrose, p. 31, "Our party consisted of 55 men, with. . . and Du Fran, being afraid to return." Dr. Penrose was the physician who accompanied the cattlemen on their assault on the "rustlers."

4. *History of Custer County*. . . S.D. Butcher, p.51. In this work, Butcher relates what most historians who have studied the tragedy believe transpired when the settlers' bodies were burned, and with which the author agrees:

. . . it is generally supposed that these two men, crazed with drink and fired with the thought of revenge. . . resolved to put the finishing touch on the terrible night's work by pouring



the contents of their liquor flask over the hanging bodies of their victims and setting them on fire. . .

*The Custer County Chief*, 80th Anniversary Issue, 1942, presents "James Stockham's Story of the Tragedy." Stockham worked for the Olives at the time and states that it was Print Olive's intention to bring the pair to the ranch for trial before Judge Boblits. But after meeting with Du Fran and Gillan, and receiving the prisoners. . .

. . . there concluded to hang them without going back to the ranch for trial.

Stockham's account placed Green and Baldwin at the scene of the lynching. He further states that a juror had been "bought," bringing their discharge at their trial. Gesner, a young man who took care of the barn where the Olive horses were kept, testified that the two horses loaned Green and Baldwin were ridden in tired and sweating that night late or early in the morning.

5. *Buffalo Park* (Kansas) *Pioneer*, or *Trego County* (Kansas) *Republican*, issue of Sept. 3, 1886, carries story that Martin Sides, the Olive cowboy with the horse herd at the Medicine Lodge stampede, was responsible for the distasteful burial:

Sides, was one of the men employed by Olive to burn two of his enemies at the stake, previous exploits having fitted him for the task. Sides succeeded in effecting his escape and made his way to northern Colorado and went to work on the cattle ranges. Here he stole some horses and fled to Wyoming. Later the sheriff located him and went to arrest him, but had to shoot him before the arrest could be effected. He was seriously wounded but procured bail and returned to Wyoming. He is yet to be tried. . . he is now in this territory.

6. Coroner's Jury consisted of Judge James Boblits, acting coroner; H.C. Stuckey, foreman; M.F. Young; Frank Cozad; C. Hazelbaker; A.R. Bradney; G.B. Mullin. They found that Mitchell and Ketchum came to their deaths by hanging, "by a party or parties unknown." This was on Dec. 16, 1878.

## CHAPTER XVII.

1. *History of Custer County*. . . S. D. Butcher, pp. 52 ff. In this work can be read Judge Wm. Gaslin's view of the trial as he himself wrote

it. The Ezra P. Savage mentioned presided at the first term of District Court in the new county of Custer, at Broken Bow, Nebraska, May 10, 1883, and was later, 1901-1903, governor of Nebraska.

2. Told the author by Russell Langford, Golden, Colorado. His grandfather was Russell Watts, famous Nebraska cattleman. Gillan took "leg bail," as it was called on the frontier. He was smuggled from the Watts' North Platte home to the ranch on a wagon filled with hay. Gillan is believed to have fled to Opal, Wyoming, to become a successful businessman and rancher under another name. A letter from Nellie Irene Yost, Nebraska historian, in the author's files, tells what her father, "Pinnacle Jake" Snyder, had heard of the matter.

3. McNamar filed his complaint before Judge Gaslin in Buffalo County Court (Fifth District), Feb. 19, 1879.

The Grand Jury consisted of J.N. Lyman, foreman; W.A. Camp; J.C.M. Spencer; George E. Cisney; John G. Dodd; James McWade; J.N. Smith; C.K. Lawson; G.W. Dade; Isaac Yocum; Charles Kohn; J.S. McIntyre; M.A. Lynch; J.F. Kent; A.W. Oliver; and Charles Cameron. Among the witnesses questioned were B.F. Krier; P.E. Wilson; H. Gesner; C.W. McNamar; E.O. Carpenter; W.H. Head; J.J. Chapman; B.F. Hassan; John Hogue; Edward Mathews; W. Nickles; W.P. Dickey; James (Nigger Jim) Kelly, the latter excused as "an unwilling witness."

4. *History of Custer County*. . . S.D. Butcher, p. 131. In his story, Butcher disguises Doc Middleton as "Dick Milton" and Middleton's companion, probably Scurry, as "Ed Smith." Butcher knew that Middleton, after serving a Nebraska prison term (Sept. 29, 1879-June 18, 1883) had moved to Edgemont, S.D., and was at the time making a good life for himself and his family. Butcher did not want to ruin Middleton's chances. The author's mother-in-law, Mrs. Delyra (Dunlap) Bell, attended school with the Middleton children at Edgemont and found the family likeable in all respects.

5. *Olive's Last Roundup*, by A.O. Jenkins, "Bryan-Ketchum-Mitchell Episodes," tells how a settler, Johnie Bryan, upon declining to share a part of Ketchum's fresh-killed beef (bearing the Olive brand) had Ketchum turn on him, snarling, "I'll shoot you if I hear you say that again [that is was stolen Olive beef, not slow elk meat]. This meat goes to Kearney tomorrow to buy supplies." Jenkins relates that the heavy wool overcoat Mitchell was wearing when hung, he had stolen from the claim shack of the absent Johnie Bryan.

6. Four years after Ketchum's death, Tamar Snow married Will Wall,

Aaron Wall's brother, who had come up from Texas. They lived at Arcadia, Nebraska, until 1890, then moved to San Antonio, Texas, for her health. Wall died that year, Tamar dying the following year of tuberculosis.

7. Judge Hinman ranched near North Platte, Nebraska, about 1860-62. He was a Democrat in politics; was elected judge from preponderantly Republican district. He was a delegate to the Nebraska Constitutional Convention. His name lent great prestige to Prentice Olive's defense staff.

Francis G. Hamer was a Republican in politics, a very skilled defense lawyer in criminal cases. He later served the judicial district as judge, 1884-1891, and was later a justice on the Supreme Court of Nebraska. He was a kindly, pleasant gentleman, but a tenacious fighter.

John Carrigan, brilliant defense lawyer for Olive, died in 1880. He was born in Maryland, May 15, 1853, and was an active Democrat.

8. Al Olive told the author that this was the belief of his mother and father, that Green and Baldwin destroyed the settlers' bodies, probably more in a drunken frenzy than with malicious intent.

9. The trial jury consisted of the following: S.M. Hoagland, foreman; James Slate; W.M. West; A.J. Millet; Thomas Carroll; Connor Knopf; C.O. Henry; A.R. Pierson; H.B. Palmer; J.C. Davis; H.L. Pratt; William Bailey. The bailiff was W.C. Dyer.

10. *Indians, Infants and Infantry*, by Merrill J. Mattes, Old West Pub., Denver, pp. 239 ff. Here, a well-known Nebraska historian saddles the wrong horse (Ira W. Olive) and rides off in true western fiction fashion with a "Sheriff Olive and his deputies," i.e. Bob (Olive) Stevens, to meet "the new breed of lawful homesteaders"—Mitchell and Ketchum! In the Mattes account, Bob Olive is only wounded in his encounter with the "lawful homesteaders," not killed, and the Clear Creek rustlers end up in modern TV fashion in the "white hats."

11. Judge William Gaslin, Jr., during his sixteen years on the bench, held sixty-eight murder trials, twenty-six of them in his first three years. Not one of them, he said later, commanded the attention of the Olive trial.

## CHAPTER XVIII.

1. *The Austin Statesman*, Jan. 25, 1879, mentions Gatlin's return to Nebraska to be a character witness at Prentice Olive's trial. John Clay,

*My Life On The Range*, Norman, 1962, pp. 119 ff. mentions Gatlin as foreman of the Seventy-One Quartercircle in 1884-5-6.

2. *History of Lincoln County, Nebraska*, Pub. 1920. See "Beach Isaac Hinman."

"When a wealthy cattleman [I.P. Olive] was tried at Hastings for murder, a mob gathered for the purpose of lynching of both the prisoner and Mr. Hinman, but with his associates he withstood the attempt, and he secured the freedom of his client."

This material above quoted from a letter of Miner Hinman, North Platte, Nebraska, a son of Beach Hinman.

3. *We Pointed Them North*, E.C. Abbott, p.35, Abbott told of Louisa's stand to keep her husband from becoming an outlaw.

4. This is not the Williamson County, Texas, Frederick Fisher, either Sr. or Jr. The Fisher of this story was Texas-born, 24 years of age in 1878. The senior Fisher of Williamson county was Missouri-born, his son, Frederick Fisher, Jr., was born in 1879. These facts are given to protect a good, Williamson County family name.

5. *History of Custer County*. . . S.D. Butcher, pp. 58 ff. Despite stories telling of "outlaw" activities of the Olive family in Texas, a letter from J.C. Roberts, Chief of Records Division, Huntsville, Texas, in the author's possession states:

There has never been an *Olive* in the Texas Prison System.

6. *Nebraska State Journal*, April 12, 1879. The editorial as given here is condensed and rephrased.

7. This judicial sickness is not unknown in our federal courts today, where the testimony of paid informers is given a dignified hearing completely out of keeping with the laws of evidence. This frequently occurs when the demand for a conviction on the part of the court becomes of greater importance than the ascertainment of fact. Thus the normal judicial process is set aside and *equality before the law* becomes a mockery.

8. The text here follows verbatim the defense counsel's arguments and reasoning as revealed in old newspaper files and the Trial Records, copies of which are in the author's possession. See True Copy "Before The Jury," Special Correspondent "Cymon's" report to the *Nebraska State Journal*, Lincoln, Nebraska, April 16, 1879. Hamer's thesis that the trouble was caused by *cattle theft* cannot be denied, for there had been no previous trouble in Custer County between cattlemen and settlers.

9. What caused the underlying bitterness, and swelled the interest in the Olive-Fisher trial quite beyond its actual legal or criminal importance, was the socio-political aspects of the case. Behind the scenes, all the hatreds and fears residual to the late Civil War now found expression on a new battleground on the Nebraska plains. Here were reopened the quarrels, differences, and jealousies so recently ended at Appomattox by the strokes of Lee's and Grant's pens. Now northern Republican settlers, the old Union Veterans of the late war, again faced southern Democrat cattlemen, many who had once served the Confederacy as had Prentice Olive. By reason of this most accidental meeting in a new arena, the issues that still rankled the two old contestants burgeoned anew and grew. The settlement and possession of this free government range, now used by the Texas cattlemen, by the old Union Army veterans, added the hard coal of economic gain to the political spark that originally fired the trial. And Luther Mitchell was said to be a Union veteran.

10. The Six Counts of the Indictment were that Olive and Fisher did:

1. Shoot with a Winchester rifle. . .
2. With gunpowder did kill. . .
3. Did choke, suffocate and strangle. . .
4. Did break, pull, choke and dislocate neck of. . .
5. Did set fire to and burn. . .
6. Did kill and murder. . .

It may be observed here that neither Prentice Olive nor Fisher was convicted of *burning the bodies*, only of the murders.

11. *We Pointed Then North*, E.C. Abbott, p. 32.

12. *We Pointed Then North*, E.C. Abbott, p. 33.

13. *Nebraska State Penitentiary Records*. The files reveal only the following meager facts:

*Name:* I.P. Olive.

*Born:* Louisiana

*Age:* 42. (Incorrect, for he was actually 39).

*Relatives or Family:* Father, mother and five children.

*Marks:* Gunshot wounds on right thigh, left shoulder, and right groin.

*Name:* Frederick W. Fisher.

*Born:* Texas.

*Age:* 23

*Family:* None, excepting a brother, name not given.

Both Olive and Fisher were discharged December 14, 1880.

14. With three justices sitting, the Nebraska Supreme Court reversed the conviction of Olive and Fisher, voting 2 to 1, and ruling:

1. The constitution of Nebraska of 1875 guaranteed a citizen the right of trial by jury in the county in which the crime was committed.
2. A change of venue could only be had upon application of the defendant, which had not been made in the case at hand.
3. Custer County, Nebraska, was no longer unorganized territory, attached to two different judicial districts, inasmuch as it had been organized by the legislative act in 1877 and an election of county officers had been held.
4. The fact that the legislature had omitted to attach the county to any judicial district was a mistake that only the legislature could rectify. Until this was done, no court could be held in Custer County and no judge of any other district could have jurisdiction.

—Vol. II, Neb., *Reports*, p.1.

15. A brief Chronology of Custer County's organization follows:

Jan. 25, 1877: County officially organized.

June 27, 1877: Gov. Garber pronounces the county officially organized.

July 25, 1877: First political convention held.

July 31, 1877: First election to name officers held. 58 votes cast.

Nov. 7, 1882: Broken Bow named County Seat in election. B.B. 390; Westerville, 176; Custer, 31 votes.

May 10, 1883: First term District court. Judge Ezra P. Savage presiding.

16. Green and Baldwin's jury "agreed to disagree" after charges of jury tampering. Case dismissed. Armstrong, Beaton, Kelly, and McIndeffer charged as "accessories" received change of venue to Dawson County. No witnesses appeared and case was dismissed. Barney Gillan disappeared, as did Dennis Gartrell. DuFran, Brown, and Dominicus won freedom appearing as states witnesses.

## CHAPTER XXIX.

1. See Chapter XIV, Note 8, "Frank Young's Notebook."
2. *Ed McClure Diary*, 1871-1883.
3. *Lost Trails of the Cimarron*, Harry E. Chrisman. Appendix 1 gives the complete roster of The Western Kansas Cattle Growers Association, April 7, 1885, and the brands of the cowmen with whom Print Olive associated while at Dodge City.
4. *The Broken Bow Republican*, Broken Bow, Nebr. Vol. 1, No. 1, June 29, 1882:

I.P. and I.W. Olive have sold their cattle in this county; also fifty brood mares for about \$60,000.00 to Sawyer, Hollis & Co., of Boston, Mass. Virgil Allyn will take charge of the cattle.

It is also reported that the same firm is negotiating with the Olives for their ranches, corrals, fences etc . . .

This range became part of the Middlesex Ranch with headquarters on Deer Creek, on the South Loup. Later, after 1884, Frank Currie incorporated some of these holdings into the Buckeye Land and Cattle Company.

5. It was the W $\frac{1}{2}$ , SW $\frac{1}{4}$ , sec.26, twp.26, R25, Ford County, Kansas. The 1886 map of Dodge City (at Boot Hill Museum) shows this 40 acres as "The Olive Addition." It lies north of the Santa Fe tracks, west of M. Kollar's addition. The Olive residence, "a large, fine one," according to the late Merritt Beeson, was "at Ninth and between Spruce and Chesnut streets. There was a short street then named Olive Street."

6. Membership of the Smoky Hill Cattle Pool included:

S.S. Evans, Pres.	Curtis & Campbell
W.W. Sternberg, Secty.	Sylvester Swartz
W.K. Farnsworth	Frank McCafferty
George Bowman	E.A. McMath
Robert Hickman	J.J. Baker
J.W. Felch	Wm. Lenihan
Noah Chenoweth	Frank Davis
James Rider	E.M. Prindle
	Rochester Land & Cattle Co.
	. . .and others.

## Membership in the Forrester Cattle Pool (1883-4) :

Sam Forrester	I.P. Olive
Steve Forrester	Bob Forrester
Kellerman Bros.	E.R. Moffitt
Joseph Gautier	Ad Forrester
John Forrester	Joseph Middleby & Lang
	. . .and others.

Most of the cattlemen of these two Pools were also associated with the two great Cattlemen's associations of that era—The Western Kansas Cattle Growers Association, comprising those ranchers principally south of the Arkansas River and in the Neutral Strip, and The West Central Kansas Stockmen's Association, the latter principally made up from those ranchers with range north of the Arkansas River.

7. It was the E $\frac{1}{2}$ , NW $\frac{1}{4}$ , sec.28, twp.24, R24 West, Hodgeman County, Kansas.

8. As nearly as the author could determine, this is the NE $\frac{1}{4}$ , sec. 11-15-26, Gove County, Kansas. The land was later owned by a Mr. Mitchell, then conveyed to Hugh Chapman. Olive folklore of the 1890's told how Print Olive buried gold coin there near the big spring. Many parties came later and dug for it, never finding anything of value.

There is some contention that this structure was not the building erected by Olive; but the late Wally Thornburg, cowman who ranched nearby all his life, affirmed to the author that it was the house Print Olive had built, and that he also built "immense cattle sheds" atop the hill southwest of the spring, from which the lumber was stolen. He recalled Billy Olive passing out free cigars at Armstrong Crossing, the night Thornburg arrived in the country.

9. *Topeka Daily Commonwealth*, June 5, 1883. Also see *Dodge City Times*, August 30, 1883. Also *Kansas Historical Quarterly*, Spring, 1962, "Dodge City War," pp. 60 ff.

10. *Kansas Historical Quarterly*, Summer 1956, pp. 114 ff. "Mrs. Hattie E. Lee's Story of Her Life," edited by Kansas' well-known historian, Minnie Dubbs Millbrook, assisted by Mrs. Leslie (Hilda) Frye, Arnold, Kansas, historian and writer.

11. The author for literary reasons places Maple Grove cemetery closer to the Olive home than facts permit. Prairie Grove Cemetery, northeast of Boot Hill, was then the popular burying ground. Prentice Olive was first buried there, the body being moved to Maple Grove



Cemetery later when Prairie Grove was closed and made a residential area. At that time, Louisa Olive raised the large obelisk over her husband's grave plot.

## CHAPTER XX

1. *Ford County Globe*, Feb. 27, 1883; June 19, 1883, and later issues carry Olive stories as did *The West Central Kansas Cowboy*, published at Sidney, Kansas, later published at Dodge City.

2. *Kansas Cowboy*, Dec. 1, 1883. This was the official publication of the West Central Kansas Stockman's Assn., of which Print was then a director.

3. For whatever significance it may have, the Brand Records of Hitchcock County, Nebraska, show that within a few weeks of the time Print Olive was sentenced to life in prison, his brother Ira was in Hitchcock County registering their old Road Brand, H4, in Ira Olive's name. Elmira Olive's brand, OX, was also registered at this time, May, 1879.

4. *Records*, at Ellyson Abstract Co., Georgetown, Texas. Also see *District Court Proceedings*, 1883-4-5-6, Hodgemen County, Jetmore, Kansas.

5. It was this loss, even more than the blizzards of 1880-1 and 1885-6, that financially ruined Print Olive. See *Kansas Cowboy*, May 17, 1884.

6. *Criminal Appearance Docket*, Ford County, Kansas, 1874-1884, p.147, Case No. 608. Thurman was charged with stabbing George Miller, Jan. 1, 1884. The late Bernard Lemert told the author that he saw Joe Sparrow and another man riding with Thurman as bodyguards on the roundup of 1884. Thurman had killed Smith the previous year. See Lemert's *The Roundup of '84*, Kansas State Historical Society, ms. and letters files; also a copy in author's possession.

## CHAPTER XXI.

1. Verses from Mrs. Lee's *Autograph Album* loaned, with her permission, to author by Mrs. Leslie Frye, Arnold, Kansas.

2. This incident recalled by Al Olive. Mr. Olive told the author many incidents recalled by his mother and father when he was a lad. A tape recording of about an hour's duration with Mr. Olive telling

his personal experiences is in author's library. The old Olive Bible was given to the author before Mr. Olive's death and records Olive family history and cattle brands. It was published in 1874, was the prize-winning Bible of the United States Centennial, 1876, weighing 14 pounds! It had been in the I.P. Olive family for eighty-five years.

3. *The Cattleman*, Fort Worth, Texas, June 1951. "The National Cattle Trail," by F.B. Streeter. This is a most complete account of the attempt to create a national cattle trail from Texas to the northern grazing range.

4. *Trego County Tribune*, WaKeeney, Kansas, April 15-29, give accounts of this shooting. Also *Cap Sheaf*, Grainfield, Kansas, April 16, 1886. Wally Thornburg told the author of Billy's night at the jail, Billy Flynn having told him.

5. On Feb. 25, 1888, Emmaline married Charley Lee, who had become postmaster at Gibson, Kansas (Armstrong Crossing). They moved to New Mexico, later to Colorado and Kansas and finally to California. Lee died in 1935. Mrs. Lee was living in 1960 in California.

6. Oliver M. Nelson, pioneer in No Man's Land, told the author of Billy's escapades. See Nelson's ms. "A Little Bit of the West, and No Man's Land," a copy of which is in the author's possession. Also Letters from Nelson and Tape Recording by him. He knew Billy Olive, was also a close friend of Billy Smith, the T5 horse wrangler hanged for the bank robbery at Medicine Lodge, Kansas.

7. *Lost Trails of the Cimarron*, Harry E. Chrisman, tells of the Beaver City vigilante movement and George Scranage's activities in the Neutral Strip, pp.111-43. Also see *The Cowman's Southwest*, by Oliver M. Nelson, 305-25; *No Man's Land*, by Carl Coke Rister; *No Man's Land*, by George Rainey; *The Saga of No Man's Land*, (pamphlet), by J.R. Spears, at Beaver, Okla., Museum, operated by Pearl and Louise Sharp.

8. Billy Olive's name appears on the list calling for a Meeting for Nov. 9, 1886. See *Records*, "Cimarron Territory," at No Man's Land Museum, Goodwell, Okla. The stories by Spears, *New York Sun* reporter, two years after Billy Olive's death were told him by the "executioners" who had killed Thompson and Bennett and plotted Billy's death. Nelson, who was there at the time, saw the funeral cortege leave Beaver City, said Billy Olive played no part in the activities of the Vigilantes. "Billy was a loner," he said.

9. J.R. Spears, *New York Sun* reporter, wrote:

To one who hears the story [of the murder of Bennett and Thompson] from the executioner, it seems as though they were murdered in a brutal and cowardly fashion, whatever their previous crimes may have been, and that some other motive than the desire to preserve the peace of the community animated the people who were dead.

10. Rev. Overstreet, one of the Committeemen, and his "church work" is mentioned by the reporter Spears:

The Rev. R.M. Overstreet. . .organized the church. . . with ten members, *including himself and four members of his family*. A new church building was erected at a cost of nearly \$1,000, but a large part of the money came from the Home Missionary Board, of the church in New York City. *More members have moved away than have been added by new arrivals, while there have been no converts.* (Emphasis is the author's).

11. The Traceys, mentioned herein, are in no way related to families of that name living in Beaver, Oklahoma today.

12. Hugh McFarland, son of the pioneer cattleman Robert M. McFarland, told the author and Burris Wright one day of the Billy Olive shooting by Hodge and Henderson. Hodge came that day to the McFarland home and asked for the loan of a rifle. Mrs. McFarland loaned Hodge a 45-90 Winchester rifle belonging to her husband. The McFarlands never learned until afterward that the rifle was used to kill Olive, since it was borrowed "to shoot a hen-killing coyote."

Maude Thomas, pioneer, told the author a man came to their school door and sent the children home, "there's trouble downtown," he told her teacher.

## CHAPTER XXII.

1. Al Olive had frequently mentioned "Uncle Sam," or "Nigger Sam," the tall Negro "with a lip a foot long" who was so attached to his father. Print Olive had killed black men who wronged him and stole from him and had a bad record for this. Teddy Blue Abbott reported that it had been said that "Print Olive had killed nine

niggers." But the facts show that Print Olive treated Negroes with respect, with great kindness and generosity when they were his friends. But he made an implacable enemy, for black or white alike.

2. *Pueblo Chieftain*, Dec. 14, 1887.

3. Wally Thornburg, Utica, Kansas, cattleman, told the author in an interview of the theft of the big Olive sheds by the settlers and of the subsequent fight with Joe Wedge. Thornburg said of the theft:

All the neighbors jumped in and took a thousand feet each of that lumber—the finest northern pine, not a knot in a thousand feet. I wanted to buy the Olive ranch—the buildings. So I cornered the settlers, one at a time, and they admitted they stole the lumber outright. They were. . .

Thornburg named six or eight of the thieves, but there is no point in bringing their names into the Notes. Olive was only a "squatter" on the land, like all open range cowmen, so the settlers justified their actions. Many of them, Thornburg said, were the same who had later intimated that Print Olive was a horsethief, when he brought the A Dot herd up from Texas, traded on Hackberry and Horse creeks.

4. For more on the Joe Wedge fight see *Western Kansas World*, Trego County, Kansas, March 4, 1954, "The Forrester Cattle Pool," by Hilda Frye. Mrs. Frye and her husband, Leslie Frye, were with the author and his wife when Mr. Thornburg was interviewed, and told his Joe Wedge fight story.

5. *Pueblo Chieftain*, Dec. 14, 1887. "The Sparrow Trial."

6. Asked what sort of a man Joe Sparrow was, if he were something of a "desperado" or a "gunman," Al Olive replied with the greatest scorn, "He was nothing—just *nothing*!"

7. "Everybody owed father, and none of them paid off after his death," Al Olive said. "But father had always kept up his hope; he never traveled far without it."

8. "About the year of mother's death (April 25, 1892)," Al Olive told the author, "Sam told me of father's shattered hope to bring Billy back from 'The Strip.' Billy weren't *bad*, and father knowed it. Mother raised that fine stone over father's grave when she could ill-afford it." Al Olive died at age 86, May 19, 1960. Print Olive's three surviving sons, Tom, Harvey, and Al, left good names and good families behind them.









9. Joseph J. Sparrow was the son of Josephus Sparrow, of Goliad, Texas. The father was a man of small means but with a good name,
















being a Justice of the Peace in Precinct No. 1, in the late 1880's and early 1890's. Following the third trial at Pueblo, Colorado, in 1888, in which Joe Sparrow was freed of Olive's murder, Joe returned to Texas and married Lulu May Wigginton at Victoria, Texas, Sept. 25, 1889. She inherited the Wigginton home place from her mother, and the couple lived there for some time. Later, about 1912-15, they were reported to be living on the ranch of Ed Lasater, near Falfurrias, in Brooks County, Texas, where they raised cattle. Joe Sparrow died in Tampico, Mexico, May 23, 1924.

# APPENDIX I

(These brands were contemporaneous with the Olive Brothers cattle operations in Texas, and many have significance with the Olive story.)




## Contemporary Williamson County, Texas Brands From the Brand Books, Georgetown, Williamson Co., Texas

<i>Name</i>	<i>Date Registered</i>	<i>Brand</i>	<i>Earmark</i>
I.P. and I.W. Olive	April 21, 1876 Road Brand	H4	
(J) I.W. Olive (Re-Registered)	July 15, 1874	IR	
I.W. Olive (First Registered)	March 14, 1870	IR	
Wm. Olive	July 15, 1874	IP	
James Olive	May 13, 1850	LB	
Robert A. Olive	July 17, 1874	MT	
Thomas J. Olive	June 23, 1869	6	
Allen E. Wynn	Oct. 4, 1875	7P	
I.P. Olive	Nov. 12, 1872	1PL	
Esther Smith	July 13, 1879	B5	
Ben Smith (F.M.C.)	Oct. 17, 1877	BEN	

<i>Name</i>	<i>Date Registered</i>	<i>Brand</i>	<i>Earmark</i>
Burnap & Smith	Sept. 19, 1879	B + S	
G.F. Smith	July 13, 1874	CK	
G.W. Smith	Aug. 21, 1872	DX	
W.W. Smith	Sept. 9, 1875	B →	
Wm. Smith	May 11, 1868	EP	
J.W. Smith	May 11, 1868	EP	
Napier & Robbins Smith	April 19, 1873	□	
Wm. Thomas Smith	Sept. 15, 1871	ID	
John Turner	May 16, 1874	JT	
J. T. Smith	July 28, 1876	E	
Thomas Turner	March 31, 1874	TT	
J.H. Turner	April 17, 1876		
John J. Thomas (Later Thomas "Jay" Olive Brand.)	July 19, 1851	 	
Winslow Turner	May 30, 1850	WT	
A.B. Stiles	March 18, 1878	◇ A	
J.E. and F.N. Stiles	Jan. 1876	80	
Aaron Williams	Febr. 17, 1874		
August Thralle	July 28, 1875		







<i>Name</i>	<i>Date Registered</i>	<i>Brand</i>	<i>Earmark</i>
John Saul	March 5, 1879	ATO	
D.H. Snyder	May 1, 1876 Road Brand.	B	
T.B. Champion	April 14, 1875 Abandoned.	CP	
J.C. Avery	Sept. 1876	CAL	
D.H. Snyder	Jan. 13, 1859	DHS	∞
Ira W. Olive (Ollive)	March 14, 1870	IR	∞
J. Kuykendall,	August 1, 1866	JIM	
J.B. Knight	March 11, 1866	J	
J.W. Kuykendall	Oct. 20, 1866	K JWK	
J.M. Kuykendall	Aug. 22, 1866	JK	
James Saul "Little Jim"	(1876) (No Date)	J7	
T.M. Snyder	Oct. 2, 1875	CE	∞
John Hutto	July 2, 1874	JK	
J.M. Strayhorn	May 16, 1874 also	J&M	
J.M. Slaughter	April 17, 1876	J	
J.E. & F.N. Stiles	May 19, 1869	S	∞
M.F. Westbrook	Dec. 5, 1876	Y	



<i>Name</i>	<i>Date Registered</i>	<i>Brand</i>	<i>Earmark</i>
J.M. Strayhorn	May 16, 1874		
B.M. Bonds (This was earlier than 1880 a Meg Smith brand.)	July 23, 1880		
S.L. Cox	Nov. 6, 1848		
G.T. Harris	Oct. 28, 1848		
D.H. and J.W. Snyder	May 1, 1876		
A. Avery	July 11, 1870 Called "cabeza de vaca"		
M.J. Glasscock	Febr. 23, 1861 Called "Lone Star"		

# CONTEMPORARY LEE COUNTY, TEXAS

## BRANDS

C.B. Lawrence	July 1874	Left Hip	
Sally A. Kuykendall	July 13, 1874	Left Side	
J.M. Kuykendall (Carlisle) Sale	Aug. 4, 1874	Left Hip	
W.T. Smith	Oct. 19, 1875	Right Hip	
D.H. and J.W. Snyder	May 22, 1878	Left Loin Behind L. Shoulder	
John M. Shaw	Nov. 14, 1878	Right Hip	

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Note: The word "Old" following town names indicates abandoned locations. Towns of same name may presently be established elsewhere; e.g. Mobeetie, Texas (old).

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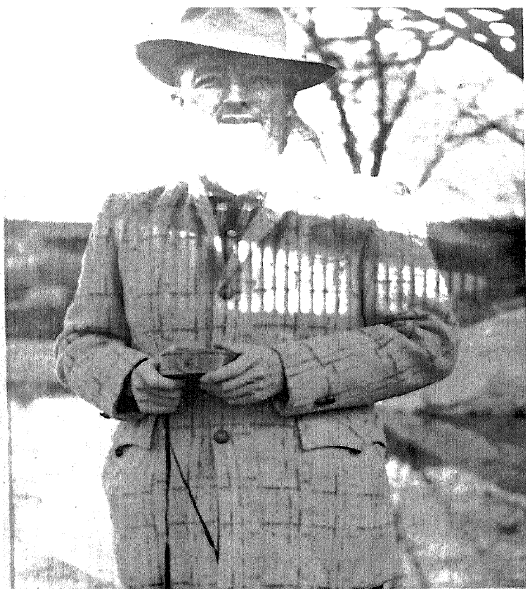












### About The Author:

Harry E. Chrisman was born on his father's Edom Ranch, Custer County, Nebraska. From childhood, he heard of "The Olive Gang," a noted Texas outfit of cowmen who brought 15,000 Longhorns north and turned them on the Sandhills range along the Dismal River in 1877. A lifetime interest in this "gun outfit," as they were called, led Chrisman to gather the material and write their story, to follow his *Lost Trails of the Cimarron*, which in 1961 reached the top of the Rating Sheet compiled by The Western Writers of America.

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